

WAYZATA CITY COUNCIL MEETING AGENDA
 Wayzata City Hall Community Room, 600 Rice Street
 WEDNESDAY, August 3, 2016

4:00 PM Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

- 1. Council & Staff Budget Workshop (4:30 PM)**
- 2. Meeting with Mill Street Parking Ramp Steering Committee (6:00 PM or immediately following)**

7:00 PM - CITY COUNCIL MEETING

ITEM	DESCRIPTION	PRESENTER	JM	AM	KW	BA	ST	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
a.	Annual Report from Parks & Trails Board	Baasen							
b.	Police Officer Awards	Risvold							
4	New Agenda Items (3 min/councilmember) - 1. Councilmember suggest item to add; 2. Must be seconded by another Councilmember; 3. Determine staff resources, scheduling & timeframe; 4. Discuss & vote to add to future agenda								
a.									
5	Consent Agenda								2
a.	Approval of City Council Workshop Meeting Minutes of July 19, 2016 and City Council Regular Meeting Minutes of July 19, 2016								
b.	Approval of Check Register								
c.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
d.	Approval of Resolution No. 25-2016 Amending City Fee Schedule								
e.	Approval of Agreement with Boatworks III, LLC for Parking Lot Alterations								
f.	Approval Resolution No. 28-2016 Adopting Exemption to Minnesota Partition Fence Law								
6	New Business								
a.	Consider Approval of Resolution No. 29-2016 Lake Effect Scope, Conservancy Agreement, and Consultant Agreements for Pre-Design & Environmental Assessment	Dahl							48
b.	Consider Resolution No. 27-2016 Approving Subdivision with Variances at 250 & 270 Bushaway Road	Thomson							89
c.	Update on Wayzata Blvd. Sidewalk Connections	Kelly							126
d.	Update on Wayzata Blvd. Median Planting Replacement	Kelly							132
e.	Accept Dr. J. David McGill's Resignation from the Housing and Redevelopment Authority, and Charter Commission	Dahl							139
f.	Consider Resolution No. 30-2016 Amending 143 & 151 Westwood La. Subdivision Approvals	Thomson							142
7	City Manager's Report and Discussion Items								
a.	Discuss Wayzata Police Sgt. James Anderson's Memorial								
8	Public Forum (as necessary)								
9	Adjournment								

Meeting Rules of Conduct:

- Turn in white card for public forum and blue card for agenda item
- Give name and address
- Indicate if representing a group
- Limit remarks to 3 minutes

Upcoming Meetings:

- City Council - August 16 & September 6, 2016
- Planning Commission - August 15 & Wednesday, September 7, 2016

Members of the City Council and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
July 19, 2016

5:00 PM Discuss Administration Staffing Needs

Mayor Willcox called the workshop meeting to order at 5:08 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, Mullin and Tyacke. Council Member Absent and Excused: McCarthy. Also present: City Manager Dahl, Director of Planning & Building Thomson, Deputy City Clerk Malone, Director of Public Service Dudinsky, and City Attorney Schelzel.

Mr. Dahl reported that City Hall needs additional full-time administrative support given the continued increase in workload. Mr. Dahl explained that he normally would advise that new positions are created as a result of going through the budget cycle AND after he, as the new Manager, has had a chance to better learn the “lay of the land.” However, staff are handling more work than ever, and we are still two staff members short of that time period. Mr. Dahl reviewed the funding for the position, and stated that generally, adding the position should have minimal financial impacts to the City and would predominately be paid out of the general fund.

Ms. Malone reviewed examples of the increase in workload in the administration department since the City Clerk position was eliminated in December of 2009. Several examples were provided.

The Council general consensus was in support of adding a full-time administrative support position as soon as possible to help assist with the elections. In addition, the Council supported staff finding ways to utilize technology to improve efficiencies as well as possibly utilizing volunteers for office support assistance. The Council also asked that staff look into changing Ms. Malone’s title to City Clerk.

5:30 PM Discuss Peter Herfurth’s Proposal to Purchase Mill Street and Superior/Lake Street Properties

Mayor Willcox called the workshop meeting to order at 5:30 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, Mullin and Tyacke. Council Member Absent and Excused: McCarthy. Also present: City Manager Dahl, Director of Planning & Building Thomson, Director of Public Service Dudinsky, and City Attorney Schelzel.

Mr. Dahl informed the Council that Peter Herfurth, on behalf of “Bar Lazy H Five, LLC” has submitted an offer to the City to purchase the “Muni” building and the adjacent corner parking lot at Superior Blvd. and Lake Street. Mr. Dahl stated that all of the “City” properties at this site are officially owned by the HRA. However, because the offer was submitted to the City and it brings up questions related to the overall operations and strategic direction of the City, the offer has been presented to the City Council. Mr. Dahl stated the HRA has been informed of the offer as well.

Mr. Dahl reviewed the proposal from Bar H Five, LLC and reviewed background considerations. Mr. Dahl directed the Council to discuss the proposal from a strategic perspective. If the City was open to selling both parcels, then it should direct staff to utilize consultants to analyze the proposal, develop a solicitation process, and then, if needed, hold a closed session to negotiate a sale.

Mr. Herfurth answered questions about his proposal and discussed parking in the area.

The Council directed staff to not consider the purchase offer from Bar Lazy H Five, LLC as soliciting the muni building property and corner parking lot as it is not consistent with its strategic plan.

1 **6:00 PM Discuss Updated Noise Wall Study**

2 Mayor Willcox called the workshop meeting to order at 6:00 pm in the Community Room at Wayzata
3 City Hall. Council Members present: Anderson, Mullin and Tyacke. Council Member Absent and
4 Excused: McCarthy. Also present: City Manager Dahl, Director of Public Service Dudinsky, and City
5 Attorney Schelzel.

6
7 Mr. Dudinsky informed the Council that at least a couple of times a year, we receive calls from residents
8 adjacent to the TH 12 (Trunk Highway 12) corridor inquiring about the possibility of getting noise walls
9 built along the TH 12 corridor. Mr. Dudinsky has had two inquiries so far this year.

10
11 Mr. Dudinsky contacted MnDOT in June to report a noise complaint and was informed MnDOT was just
12 finishing up a 5-year update to their 2011 Highway Noise Abatement Study, which includes new
13 information that pertains to residents that live along the TH 12 corridor within Wayzata.

14
15 John Griffith, MnDOT Metro West Area Manager and Natalie Ries, MnDOT Metro Noise/Air Quality
16 Supervisor summarized the results and conclusions of an updated Noise Abatement Study completed in
17 June 2016.

18
19 The workshop meetings were adjourned at 6:50 pm.

20
21 Respectfully submitted,

22
23
24
25 Becky Malone
26 Deputy City Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
July 19, 2016

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, Mullin, and Tyacke. Council Member excused: McCarthy. Also present: City Manager Dahl, City Attorney Schelzel, Director of Public Service Dudinsky, and Director of Planning and Building Thomson.

Mayor Willcox advised that Mrs. McCarthy was absent and excused from the Council meeting.

Mayor Willcox stated the Council met in Workshop prior to the meeting and discussed administrative staffing needs, the purchase of Mill Street and Superior/Lake Street properties, and an updated noise wall study.

AGENDA ITEM 2. Approve Agenda.

Mr. Tyacke made a motion, seconded by Mr. Mullin, to approve the agenda. The motion carried 4/0.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).

a. Recognition of Retiring Building Official Don Johaneson

Mayor Willcox recognized Don Johaneson, who has been with the City of Wayzata for 22 years and presented him with a commemorative clock.

Mr. Johaneson thanked the City Council and staff for their support.

b. Update on Legislative Session – State Senator David Osmek

Senator David Osmek provided an update on the legislative session. The Highway 12 bonding bill was not successfully passed, but safety money was in every single bonding bill this legislative session. He hopes to have a special session in late August so that it can be passed.

Senator Osmek reported on a tax bill that he did not support, that was pocket vetoed and passed. It included an additional \$20 million in local government aid and a 2019 tax provision that allows the State to capture sales tax on internet purchases.

Senator Osmek stated he supported the Digital Right to Repair Bill, which allows small businesses to extend the life of digital equipment. He has also received questions regarding opioid legislation from the public.

Mr. Tyacke inquired about how the required level of budgetary reserve of 4.5% to 5% will impact local governments. Senator Osmek commented the State Auditor's office states there has to be an unreserved, undedicated fund of 20% to 25% and it would not impact local governments.

Mr. Mullin inquired about the Rail Safety Bill as it relates to Wayzata. Senator Osmek stated there are no updates on that bill. He received \$4 to \$5 billion dollars' worth of requests that had to be cut down, and that is where Wayzata was cut from it. It will be worked on again in 2017.

Mayor Willcox asked about the TIF extension request on Widsten. Senator Osmek stated he supports it, it was not supported by others, and he will keep working on it.

c. HRA Annual Report – Tom Shaver, Chair

Tom Shaver, Housing and Redevelopment Authority (HRA) Chair, reported on the history and objectives and goals of the HRA. There have been six TIF district established and two remain

1 active. The largest TIF district in place is the Bay Center Redevelopment. The most active TIF
2 district is the Mill Street parking ramp. The HRA held their annual meeting on April 28 and
3 reported their income and balance sheets are in good standing. The next HRA meeting will be on
4 August 2. He announced Dr. McGill is retiring from the HRA and will be missed.

5 The Council thanked Mr. Shaver for his leadership with the HRA.

6
7 **d. LMCD Update – Dan Baasen**

8 Dan Baasen, Lake Minnetonka Conservation District (LMCD) Board Member, 912 East Shady
9 Lane, Wayzata, stated they hired Jim Brimeyer as the Interim Director and have received 21
10 applications for the Director position. He reported on issues at Cruisers Cove, July 4 public safety
11 update, revised LMCD codes, challenges with milfoil harvesting, issues with stolen buoy lights,
12 boater safety education courses, and the LMCD budget.

13 Mr. Tyacke asked about the preventative efforts around invasive species. Mr. Baasen
14 stated they are losing the battle with zebra mussels and trying to stay on top of the milfoil issues.

15 Mrs. Anderson requested clarification on whether the LMCD plays a role in the closing
16 of beaches for bacteria. Mr. Baasen commented they are aware of the closures, but it is not their
17 area of authority. Geese are the cause of the bacteria on the beach.

18 Mr. Mullin asked about the Lake Effect project and the LMCD. Mr. Baasen commented
19 the LMCD is very interested and supportive of what is accomplished with the Lake Effect.

20 At the request of Mayor Willcox, Mr. Baasen commented he has been the Wayzata
21 representative with the LMCD for six years and has also served as the vice-chair and chair.

22 Mayor Willcox thanked him for his service.

23
24 **e. HRA Retiree, Dave McGill - Charlie Schoen**

25 Charlie Schoen, 401 Lake Street, commented Dave McGill was nominated to the HRA on July
26 31, 1967. He requested the Council not accept Mr. McGill's resignation until next month so that
27 he can have served 50 years as a nominee to the HRA. He reported on the many ways Wayzata
28 has benefitted from having Mr. McGill serving in Wayzata.

29
30 **f. Congressman Erik Paulsen - Angie Hasek**

31 Angie Hasek, 250 Prairie Center Drive, Eden Prairie, spoke on behalf of Congressman Paulsen,
32 advised their office is at the Star Bank building in Eden Prairie, and encouraged people to contact
33 them if they need help with veteran's benefits, social security, passports, or anything related to
34 the Federal Government.

35
36 **AGENDA ITEM 4. New Agenda Items.**

37 None.

38
39 **AGENDA ITEM 5. Consent Agenda.**

40 Mrs. Anderson requested item 5(j) be pulled from the Consent Agenda until the August 3
41 meeting.

42 Mayor Willcox asked about item 5(h) and if it had any impact on ground equipment.
43 Director of Public Service Dudinsky reported there will not be any increase in the ground
44 equipment because it will be in the AT&T shelter.

45 Mayor Willcox commented he lost a couple channels with Mediacom, it took them ten
46 days to respond and they still could not fix the problem. City Manager Dahl stated they met with
47 the franchise agreement attorney and stated they can send notifications when the stipulations
48 within the agreement are not met. If issues are not addressed, the City will start the assessment of
49 damages process. In addition, they will contact Century Link to provide services and competition
50 in Wayzata.

1 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to approve the amended consent
2 agenda, with the removal of item 5(j) to be tabled until the next meeting on August 3:

- 3 a. Approval of City Council Workshop Meeting Minutes of July 5, 2016, and City Council
4 Regular Meeting Minutes of July 5, 2016
- 5 b. Approval of Check Register
- 6 c. Municipal licenses which received administrative approval (informational only)
- 7 d. Police Activity Report
- 8 e. Building Activity Report
- 9 f. Approval of Second Reading of Ordinance #757 – Tree Preservation Ordinance
- 10 g. Approval of Preliminary Plans for a New Home at 141 Wooddale Avenue
- 11 h. Approval of Fourth Amendment to AT&T Lease Agreement
- 12 i. Mediacom Quarterly Customer Service Report
- 13 ~~j. Accept Dr. J. David McGill's Resignation from the Housing and Redevelopment
14 Authority, and Charter Commission~~

15 The motion carried 4/0.

16
17 **AGENDA ITEM 6. New Business.**

18 **a. Update on Telecommunication Feasibility Study Update**

19 Director of Public Service Dudinsky reported on the status of the Telecommunications Feasibility
20 Study and the tasks associated with it. Staff is negotiating with the current tenants regarding two
21 financial scenarios if the City builds a new telecommunication tower on the Wayzata West
22 Middle School site for them to relocate to. The goal is to have the feasibility study completed and
23 a full financial picture with the four tenants in October 2016 in order to be on schedule for
24 starting construction in June 2017.

25 Mr. Tyacke asked if the school was okay with accessing the site through the school
26 parking lot off Wayzata Boulevard. Mr. Dudinsky stated they verbally agreed to that and it will
27 be described in the site agreement. Mr. Tyacke advised it would be helpful to have a photograph
28 of a 190-foot monopole as a representation of what it will look like before it comes to the Council
29 for approval in October.

30 Mr. Willcox asked what the date was for repainting the water tower. Mr. Dudinsky stated
31 it is in the CIP for 2020, but may be moved up to 2018.

32 Mrs. Anderson asked what the range is that would be paid to the school for the lease of
33 the land. Mr. Dudinsky responded it is between \$20,000 and \$30,000 a year for a 20-year lease.

34 Mr. Mullin asked why the communication with the tenants was broken into two different
35 waves. Mr. Dudinsky stated the consultants and City Attorneys advised if they could get the two
36 larger tenants to agree, the others would follow.

37 Mr. Mullin recalled the decision was already made that the refurbishment would be
38 moved from the 2020 CIP to the 2018 CIP. The Council agreed it was going to be pushed up.

39 Mr. Mullin stated in addition to the monopole, they were going to engage the tenants to
40 put up relay towers around town. Mr. Dudinsky stated this has not happened, but Verizon is
41 working on coming in this fall with antennas on top of Edina Realty.

42 Dale Romsos, SEH, reported the Feasibility Study is 90 percent complete.

43 Mrs. Anderson referred to the report and asked if the estimated costs included the poor
44 soils. Mr. Romsos confirmed it did. Mrs. Anderson asked when the smaller antennas would be
45 installed. Mr. Romsos responded it is not clear and it has not been brought out in a broad scale.

46 Mr. Tyacke inquired if the fencing height of six feet is adequate to keep kids safe. Mr.
47 Romsos stated the six-foot height is a baseline and reflects what is capable of securing the site
48 within the community. A higher fence could be considered.

49 Mr. Willcox referred to the challenging soils and asked if it changed the design of the
50 monopole. Mr. Romsos stated it did not and they will still use the monopole design. Any changes
51 will take place underground and no guidewires will be used above ground.

1 Mr. Mullin asked if the use and safety of the monopole design instead of the water tower
2 has been discussed with the tenants in terms of access, serviceability, efficiency and safety. Mr.
3 Romsos stated a monopole is a better investment and only requires lightweight equipment to
4 service it.

5 Mrs. Anderson recalled discussion regarding negotiating with tenants to participate in the
6 cost of building the monopoles. Legally, the City has to offer the site, but does not have to
7 provide the pole. Mr. Dudinsky stated they are asking the tenants to pay for the construction of
8 the monopole.

9 At the request of the Council, Mr. Dudinsky provided a timeline of the project. In a
10 month, the feasibility study will be completed. Staff will provide an update on the negotiations. In
11 October, if there is enough information for the Council to make a decision, the project could
12 move forward with construction beginning in June of 2017. If a decision cannot be made in
13 October, the project will get moved back to 2018.

14
15 **b. Consider Resolution No. 23-2016 Denying Meyer Place on Ferndale Redevelopment**
16 **Project – 105 Lake Street East**

17 Director of Planning and Building Thomson reported at the last Council meeting, the motion to
18 deny approval of this application failed. Since the last Council meeting, the applicant has
19 provided updated renderings that include minor changes to the colors of the building and
20 additional window openings on the north side of the building.

21 Mr. Tyacke asked if an amendment to the Comprehensive Plan is needed to provide
22 clarity regarding the requirement of properties to have a commercial element west of Barry
23 Street. Mr. Thomson responded the Comprehensive Plan states that properties west of Barry
24 Street are encouraged but not required to have a commercial element. The zoning district does
25 require 50% of the ground floor of a building have retail or service commercial uses. The zoning
26 district may need to be amended, but not the Comprehensive Plan. The zoning and
27 Comprehensive Plan are consistent today. The Council could consider amending the zoning
28 district to not require it to have retail or amending the Comprehensive Plan if retail is wanted as a
29 requirement.

30 City Attorney Schelzel stated the zoning should implement the policy that the
31 Comprehensive Plan articulates. If a zoning ordinance is in conflict with the Comprehensive Plan,
32 the Comprehensive Plan would overrule that.

33 Mr. Tyacke asked if the application could be sent back to the Planning Commission
34 because of the number of revisions made to the application since they reviewed it. Mr. Thomson
35 stated there is not time to do that since the deadline is August 15. In this case, the changes made
36 make it more compliant.

37 Rick Packer, Homestead Partners, 525 15th Avenue South, Hopkins, commented they
38 have updated the back of the building with more windows and provided additional color options
39 for the building. They are looking for direction on the sidewalk and have heard positive feedback
40 on the other deviations they are requesting.

41 Mr. Tyacke asked if a two-story plan was ever considered that would comply with the
42 height requirement. Mr. Packer stated it was not because they met the intent of the PUD
43 ordinance based on other buildings that have been approved in the area.

44 Kathie Doerr, 112 Edgewood Court, resident owner located behind the proposed project,
45 commented the proposed project is too big and tall, it is plain in design and does not match
46 surrounding neighborhoods. The air conditioning units will be noisy to surrounding residents, the
47 roof deck will give off extra noise and is a cover up of the three floor requirement, and parking
48 and traffic will cause additional issues.

49 Mr. Tyacke agreed with issues the Planning Commission brought forth and stated he is
50 concerned with the density and height of the project. He felt this project did not meet the intent of
51 the PUD.

1 Mrs. Anderson commented she is still in favor of moving forward. This site has been idle
 2 for a long time and any change will be different. Things are different now than they were in 2008
 3 with the Comprehensive Plan. There are retail spaces sitting empty in Wayzata and this plan is a
 4 good balance that will provide vibrancy at that end of town. She felt there will not be a developer
 5 able to find people to lease 50 percent of retail space at that end of town. Mrs. Anderson stated
 6 the design standards that are not met are stuck in time, the project shows the applicant has
 7 listened and tried to come up with ideas, and the new color scheme provides a younger feel.

8 Mr. Mullin commented he would like to see some form of the project move forward, but
 9 is uncomfortable where it is at today. He supports the proposed use without retail, more work
 10 being done with the PUD and benefit to the public, and more work being done on setback,
 11 building recession from the second to third floor, and ground level expression. He is not opposed
 12 to the penthouse, but suggested using the roofline to mask the rooftop equipment and patio. He
 13 suggested the design reflect a more historic look back to a period that would fit better into the
 14 neighborhood. Mr. Mullin felt unintended consequences will come from allowing this building to
 15 move forward as is so he supports denial of the application.

16 Mayor Willcox commented the building that goes into this lot needs to be more
 17 diminutive than what is proposed. The PUD does not provide any benefit to the City. If it is going
 18 to be three stories, he felt the third story needed to be set way back. Mayor Willcox stated he
 19 would not grant variances on anything on the top of the building. He does not support this project
 20 moving forward.

21 Mr. Tyacke made a motion, seconded by Mr. Mullin, to adopt Resolution No. 23-2016
 22 denying Meyer Place on Ferndale Redevelopment Project-105 Lake Street.

23 Mr. Mullin clarified the applicant can come back with a better application.

24 The motion passed 3/1 (Anderson).
 25

26 **c. Consider Resolution No. 26-2016 for Subdivision at 320 & 346 Ferndale Road South**
 27 Director of Planning and Building Thomson reported the applicant, Peterssen/Keller Architecture
 28 and the property owner, Abbey Road Realty, are requesting to combine two existing parcels at
 29 320 and 346 Ferndale Road into a single lot. The existing houses on both lots would be
 30 demolished, and one new single-family home would be constructed on the combined lot. The
 31 Planning Commission recommends approval of the project.

32 Mr. Tyacke stated the surrounding houses are historic but this plan is modern. He
 33 inquired if the architectural appearance is consistent with the surrounding houses, as stated in one
 34 of the findings. Mr. Thomson commented the standard is coming out of the subdivision
 35 regulations. In the past, the Council has interpreted it in the general appearance and scale that is
 36 seen in the neighborhood, not the architectural style in the surrounding neighborhood.

37 City Attorney Schelzel stated the neighborhood is actually eclectic, including both
 38 contemporary and traditional styles. In Section 3.1.6 of the Resolution, it states the neighborhood
 39 “is a combination of contemporary and traditional Lake-side styles.”

40 Mr. Mullin asked if the lot combination triggers a design review. Mr. Thomson advised
 41 it is the subdivision that triggers the design review.

42 Kristine Anderson, Associate Principal/Designer with Peterssen/Keller Architecture,
 43 commented the different architectural styles enhance the City. The house consists of heritage
 44 materials that are long-lasting. They hope to submit for a building permit in mid-August and
 45 starting construction in September.

46 Mr. Mullin inquired about the grade change on the north of the property. Colin Oglesbay,
 47 D/O, landscape designer for the property, commented the land is relatively flat. They are going to
 48 remove invasive species and do some restoration work.

49 Mr. Tyacke asked if there is a fence along the property line. Mr. Oglesbay stated there is
 50 a five-foot tall metal fence that runs along the property line down to the shoreline to provide the
 51 enclosure for the pool.

1 Mr. Thomson stated they will work with the applicant on any changes regarding the
2 Shaver Park area.

3 Mr. Tyacke made a motion, seconded by Mr. Mullin, to adopt Resolution No. 26-2016
4 Approving Preliminary and Final Plat Subdivision at 320 and 346 Ferndale Road South. The
5 motion carried 4/0.

6
7 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

8 **a. Update on Roundabout on Lake Street**

9 City Manager Dahl advised after speed humps are in and The Landing and area road projects are
10 completed, the roundabout will be reevaluated. There will be another public forum for the
11 neighborhood and Council can take direction at that time. This will happen about one year from
12 now.

13 Mr. Dudinsky commented staff will do traffic counts as requested by the Council, before
14 and after the speed humps are put in, and again after Bushaway is open.

15
16 **b. Miscellaneous**

17 City Manager Dahl announced Hennepin County has opened the Wayzata Boulevard East
18 frontage road.

19 Mr. Dahl advised there will be construction at the corner of Lake and Ferndale to replace
20 three water valves. This construction will take two days, will begin on Thursday, and will require
21 lane restrictions.

22 Mr. Dahl announced a new restaurant in Wayzata will open at the People's Organic
23 location.

24 Mr. Tyacke asked how long the beach will be closed. Mr. Dahl stated it is closed
25 indefinitely and another test will be done tomorrow. Mr. Dudinsky stated there is a new testing
26 method that gives them quicker results on the test.

27 Mr. Mullin thanked Mr. Dudinsky for his work in dealing with the construction project in
28 front of the BP and lack of sidewalk.

29 Mayor Willcox announced there will be a luncheon on August 2 to honor Wayzata's first
30 responders. He encouraged people to attend and support them.

31
32 **c. Upcoming Meetings**

- 33 • Lake Effect Workshop on Monday, July 25 at 5:30 p.m.
- 34 • Night to Unite on Tuesday, August 2
- 35 • Next Council meeting will be on Wednesday, August 3 at 7:00 p.m.
- 36 • Budget discussion and Mill Street Parking Ramp in Workshop on August 3 at 4:30
37 p.m.

38
39 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

40
41 Dan Gustafson, 1042 Circle Dr E, addressed the Council regarding the traffic in the east
42 neighborhood. He invited Councilmembers to visit the neighborhood to observe the traffic that
43 the neighbors experience.

44
45 **AGENDA ITEM 9. Adjournment.**

46 Mr. Tyacke made a motion, seconded by Mrs. Anderson to adjourn. There being no further
47 business, Mayor Willcox adjourned the meeting at 9:20 p.m.

48
49
50

1 Respectfully submitted,
2
3
4 Becky Malone
5 Deputy City Clerk
6
7 Drafted by Shannon Schmidt
8 *TimeSaver Off Site Secretarial, Inc.*

DRAFT

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	102986	7/21/2016	3D SPECIALTIES		
E 101-43100-226	Sign Repair Materials		\$783.55	452533	PED CROSSINGS
	Total 3D SPECIALTIES		\$783.55		
Paid Chk#	102987	7/21/2016	A-1 OUTDOOR POWER, INC.		
E 101-45200-222	Repair & Maint - Equip		\$13.98	381716	PARTS
E 101-45200-222	Repair & Maint - Equip		\$4.50	383215	PARTS
	Total A-1 OUTDOOR POWER, INC.		\$18.48		
Paid Chk#	102988	7/21/2016	ACME TOOLS		
E 409-40000-540	Equipment		\$2,200.00	4217143	SMALL GENERATOR
	Total ACME TOOLS		\$2,200.00		
Paid Chk#	102989	7/21/2016	AIRTECH		
E 437-40000-404	Repairs/Maint - Machin/Equip		\$3,873.00	26200	LIBRARY MAINT.
	Total AIRTECH		\$3,873.00		
Paid Chk#	102990	7/21/2016	ALLIED BLACKTOP COMPANY		
E 430-40000-408	Sealcoating		\$138,731.10	22290	SEAL COAT
	Total ALLIED BLACKTOP COMPANY		\$138,731.10		
Paid Chk#	102991	7/21/2016	ANCHOR BANK-CARDMEMBER SERV.		
E 640-48000-340	Advertising		\$420.00		BAR AD
E 101-43100-210	Operating Supplies (GENERAL)		\$23.99		SUPPLIES
E 640-47000-340	Advertising		\$485.26		STORE AD
E 101-43100-404	Repairs/Maint - Machin/Equip		\$22.53		VEHICLE MAINT.
E 640-48500-210	Operating Supplies (GENERAL)		\$244.87		KITCHEN SUPPLIES
E 101-42100-200	Office Supplies (GENERAL)		\$34.40		PD SUPPLIES
E 630-40000-433	Dues, Licensing & Seminars		\$29.95		MV DUES
E 101-41910-433	Dues, Licensing & Seminars		\$16.82		PLANNING CONF.REG.
E 101-42400-499	Miscellaneous		\$72.50		BLDG.DEPT.SUPPLIES
E 101-41500-433	Dues, Licensing & Seminars		\$643.52		ADOBE CLOUD RENEWAL
E 101-41500-499	Miscellaneous		\$5.34		PHOTO CONTEST SUPPLIES
E 404-40000-499	Miscellaneous		\$170.82		BOCCE BALLS
E 430-40000-499	Miscellaneous		\$400.00		PERMIT
E 101-41500-331	Mileage & Expense Account		\$216.17		MTG.MEALS
	Total ANCHOR BANK-CARDMEMBER SERV.		\$2,786.17		
Paid Chk#	102992	7/21/2016	ANDERSON, KIM		
E 101-41910-492	HPB		\$175.00	HPB REIMB.	HPB JJ HILL BOOTH
	Total ANDERSON, KIM		\$175.00		
Paid Chk#	102993	7/21/2016	BANK OF AMERICA		
E 101-42200-210	Operating Supplies (GENERAL)		\$301.00		FD SUPPLIES
	Total BANK OF AMERICA		\$301.00		
Paid Chk#	102994	7/21/2016	BANK OF AMERICA		
E 101-42200-499	Miscellaneous		\$165.31		FD MEETING MEALS
	Total BANK OF AMERICA		\$165.31		
Paid Chk#	102995	7/21/2016	BEST & FLANAGAN		
E 101-41500-304	Legal Fees		\$637.50	459208	HRA
E 101-41500-304	Legal Fees		\$450.00	459209	CONTRACT REVIEW
E 407-40000-304	Legal Fees		\$112.50	459210	TELECOM LEASE
E 316-40000-304	Legal Fees		\$637.50	459211	PARKING RAMP CONTRACT REVIEW
G 802-20331	AT&T UPGRAD		\$2,155.00	459212	AT&T ESCROW PROJECT
E 407-40000-304	Legal Fees		\$375.00	459213	CELL TOWER

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
E 101-41500-304	Legal Fees		\$262.50	459214	BRAD HOYT TAX APPEAL
E 233-40000-304	Legal Fees		\$2,326.80	459215	LAKE EFFECT
E 101-41500-304	Legal Fees		\$637.50	459226	CITY COUNCIL
E 407-40000-304	Legal Fees		\$1,822.50	459245	SCHOOL DISTRICT CELL TOWER LEASE
Total BEST & FLANAGAN			\$9,416.80		
Paid Chk# 102996	7/21/2016	BRAKKE, GARY R.			
E 101-41500-301	Auditing and Acct g Services		\$5,080.00	7/2016	FIRE RELIEF AUDIT
Total BRAKKE, GARY R.			\$5,080.00		
Paid Chk# 102997	7/21/2016	BRYAN ROCK PRODUCTS			
E 610-40000-225	Repair & Maint - System		\$224.46	15931	ROCK
Total BRYAN ROCK PRODUCTS			\$224.46		
Paid Chk# 102998	7/21/2016	CENTERPOINT ENERGY			
E 101-41940-383	Fuel, oil and natural gas		\$91.47		SERVICE
Total CENTERPOINT ENERGY			\$91.47		
Paid Chk# 102999	7/21/2016	CIVICPLUS			
E 235-40000-433	Dues, Licensing & Seminars		\$4,106.89	159988	ANNUAL FEE
Total CIVICPLUS			\$4,106.89		
Paid Chk# 103000	7/21/2016	CLASSIC CLEANING COMPANY			
E 101-41940-409	Maint services & Improv		\$1,345.00	23915	MONTHLY CLEANING
E 101-41940-409	Maint services & Improv		\$521.00	23916	MONTHLY CLEANING
Total CLASSIC CLEANING COMPANY			\$1,866.00		
Paid Chk# 103001	7/21/2016	COMMERCIAL ASPHALT CO.			
E 430-40000-309	Contractual Services		\$97.73	160630	ASPHALT
Total COMMERCIAL ASPHALT CO.			\$97.73		
Paid Chk# 103002	7/21/2016	CULLIGAN-BOTTLED WATER			
E 101-41940-210	Operating Supplies (GENERAL)		\$85.92	2003848	SUPPLIES
Total CULLIGAN-BOTTLED WATER			\$85.92		
Paid Chk# 103003	7/21/2016	DIAMOND VOGEL PAINTS			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$457.50	802168126	STREET PAINT
Total DIAMOND VOGEL PAINTS			\$457.50		
Paid Chk# 103004	7/21/2016	ECM PUBLISHERS, INC.			
E 101-41500-350	Printing & Publishing		\$46.00	378279	FILING NOTICE
Total ECM PUBLISHERS, INC.			\$46.00		
Paid Chk# 103005	7/21/2016	EHLERS			
E 316-40000-304	Legal Fees		\$172.50	70891	TIF CONSULTING
Total EHLERS			\$172.50		
Paid Chk# 103006	7/21/2016	EMERGENCY AUTOMOTIVE			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$85.00	24967	SQUAD REPAIR
Total EMERGENCY AUTOMOTIVE			\$85.00		
Paid Chk# 103007	7/21/2016	FERGUSON WATERWORKS			
E 610-40000-225	Repair & Maint - System		\$167.90	0188266	PARTS
Total FERGUSON WATERWORKS			\$167.90		
Paid Chk# 103008	7/21/2016	FITZCO, INC.			
E 101-42100-210	Operating Supplies (GENERAL)		\$50.00	53329	PD SUPPLIES
Total FITZCO, INC.			\$50.00		

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
Paid Chk#	103009	7/21/2016	FLOYD TOTAL SECURITY		
E 101-41940-401	Repairs/Maint Buildings		\$490.17	1135790	BLDG.KEYS
	Total FLOYD TOTAL SECURITY		\$490.17		
Paid Chk#	103010	7/21/2016	GALLS		
E 101-42100-210	Operating Supplies (GENERAL)		\$66.98	005562385	PD SUPPLIES
	Total GALLS		\$66.98		
Paid Chk#	103011	7/21/2016	GOPHER STATE ONE CALL		
E 610-40000-313	Permit Fees/Gopher State		\$221.40	6060794	UTILITY LOCATES
E 620-40000-313	Permit Fees/Gopher State		\$221.40	6060794	UTILITY LOCATES
	Total GOPHER STATE ONE CALL		\$442.80		
Paid Chk#	103012	7/21/2016	GRAINGER, INC.		
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$116.73	9162759667	PARTS/SUPPLIES
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$72.32	9162759675	PARTS/SUPPLIES
	Total GRAINGER, INC.		\$189.05		
Paid Chk#	103013	7/21/2016	GREAT RIVER GREENING		
E 233-40000-309	Contractual Services		\$500.00	2544	SHORELAND HABITAT
	Total GREAT RIVER GREENING		\$500.00		
Paid Chk#	103014	7/21/2016	HAMEL BUILDING CENTER		
E 101-43100-226	Sign Repair Materials		\$118.80	120157	SUPPLIES
	Total HAMEL BUILDING CENTER		\$118.80		
Paid Chk#	103015	7/21/2016	HAWKINS, INC		
E 610-40000-216	Chemicals and Chem Products		\$1,976.97	3914247	CHEMICALS
	Total HAWKINS, INC		\$1,976.97		
Paid Chk#	103016	7/21/2016	HD SUPPLY WATERWORKS, LTD		
E 610-40000-225	Repair & Maint - System		\$357.56	F715449	PARTS
E 610-40000-225	Repair & Maint - System		\$24.02	F754215	PARTS
	Total HD SUPPLY WATERWORKS, LTD		\$381.58		
Paid Chk#	103017	7/21/2016	HENN.CNTY.ACCTG.SERVICES		
E 101-42120-308	Prisoner Care		\$1,096.97	1000078328	PRISONER PROCESSING
	Total HENN.CNTY.ACCTG.SERVICES		\$1,096.97		
Paid Chk#	103018	7/21/2016	HENN.CNTY.INFO.TECH.DEPT.		
E 101-45200-323	Radio Units		\$150.00	1000078478	RADIO CONNECTION
E 610-40000-323	Radio Units		\$119.41	1000078478	RADIO CONNECTION
E 101-43100-323	Radio Units		\$150.00	1000078478	RADIO CONNECTION
E 620-40000-323	Radio Units		\$119.41	1000078478	RADIO CONNECTION
E 101-42200-323	Radio Units		\$1,040.01	1000078529	RADIO CONNECTION
E 101-42100-323	Radio Units		\$900.97	1000078530	RADIO CONNECTION
	Total HENN.CNTY.INFO.TECH.DEPT.		\$2,479.80		
Paid Chk#	103019	7/21/2016	HOLIDAY		
E 101-42100-212	Motor Fuels		\$93.33		PD FUEL
	Total HOLIDAY		\$93.33		
Paid Chk#	103020	7/21/2016	JLS PLUMBING & HEATING		
R 610-00000-37150	WS Connect/Reconnect Fee		\$52.00	REFUND	REFUND OF WATER METER INSPECTION
	Total JLS PLUMBING & HEATING		\$52.00		
Paid Chk#	103021	7/21/2016	KEEPSRS		
E 101-42100-217	Uniforms		\$10.29	308005-90	PD UNIFORMS

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
Total KEEPERS			\$10.29		
Paid Chk#	103022	7/21/2016	LANO EQUIPMENT, INC.		
E 101-43100-415	Other Equipment Rentals		\$250.00	03-378658	EQUIPMENT RENTAL
Total LANO EQUIPMENT, INC.			\$250.00		
Paid Chk#	103023	7/21/2016	LEAGUE OF MN CITIES INS.TRUST		
E 101-49200-365	Workers Comp Ins		\$7,446.00	32480	WORKERS COMP INSURANCE
Total LEAGUE OF MN CITIES INS.TRUST			\$7,446.00		
Paid Chk#	103024	7/21/2016	LEAGUE OF MN CITIES INS.TRUST		
E 101-41500-304	Legal Fees		\$11,412.66	PC0036752	LAND USE LAWSUIT
Total LEAGUE OF MN CITIES INS.TRUST			\$11,412.66		
Paid Chk#	103025	7/21/2016	LEXISNEXIS RISK DATA		
E 101-42100-309	Contractual Services		\$33.00	121455020160	PD SERVICE
Total LEXISNEXIS RISK DATA			\$33.00		
Paid Chk#	103026	7/21/2016	LEXUS		
G 630-20300	Deposits Payable		\$1,677.75	CVR REFUND	CVR REFUND - LEXUS USED CAR LOT
Total LEXUS			\$1,677.75		
Paid Chk#	103027	7/21/2016	LEXUS		
G 630-20300	Deposits Payable		\$8,760.05	CVR REFUND	CVR REFUND - NEW CAR SALES
Total LEXUS			\$8,760.05		
Paid Chk#	103028	7/21/2016	LOFFLER COMPANIES, INC.		
E 101-41500-311	Data Processing		\$2,870.00	2272208	NETWORK SUPPORT
E 409-40000-540	Equipment		\$1,854.00	2277530	COMPUTER & SOFTWARE
E 409-40000-540	Equipment		\$258.75	CW54650	COMPUTER SETUP
Total LOFFLER COMPANIES, INC.			\$4,982.75		
Paid Chk#	103029	7/21/2016	MAGNEY CONSTRUCTION		
E 610-49100-309	Contractual Services		\$262,685.45	3	WTP#2
Total MAGNEY CONSTRUCTION			\$262,685.45		
Paid Chk#	103030	7/21/2016	MANSFIELD OIL COMPANY		
E 101-49200-212	Motor Fuels		\$1,486.75	551587	FUEL
E 101-49200-212	Motor Fuels		\$1,469.11	573285	FUEL
Total MANSFIELD OIL COMPANY			\$2,955.86		
Paid Chk#	103031	7/21/2016	MEDIACOM		
E 101-41940-321	Telephone		\$309.95		SERVICE
Total MEDIACOM			\$309.95		
Paid Chk#	103032	7/21/2016	METERING & TECHNOLOGY SOLUTION		
G 620-14100	Inventory of Material/Supply		\$720.00	6717	WATER METERS
G 610-14100	Inventory of Material/Supply		\$720.00	6717	WATER METERS
Total METERING & TECHNOLOGY SOLUTION			\$1,440.00		
Paid Chk#	103033	7/21/2016	METRO ELEVATOR, INC.		
E 101-41940-404	Repairs/Maint - Machin/Equip		\$320.00	47893	MAINT./SERVICE
Total METRO ELEVATOR, INC.			\$320.00		
Paid Chk#	103034	7/21/2016	MINNESOTA WANNER COMPANY		
E 101-45200-222	Repair & Maint - Equip		\$11.40	0115868	PARTS
Total MINNESOTA WANNER COMPANY			\$11.40		
Paid Chk#	103035	7/21/2016	MN BATTERY LLC		

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
E 620-40000-404	Repairs/Maint - Machin/Equip		\$399.28	16329	PARTS
	Total MN BATTERY LLC		\$399.28		
Paid Chk# 103036	7/21/2016	MN DEPT.OF TRANSPORTATION			
E 408-40000-309	Contractual Services		\$119.30	P00005927	PEAVEY BRIDGE TESTING
	Total MN DEPT.OF TRANSPORTATION		\$119.30		
Paid Chk# 103037	7/21/2016	MN UC FUND			
E 640-47000-140	Unemployment Comp (GENERAL)		\$1,430.28	07970965	UNEMPLOYMENT
	Total MN UC FUND		\$1,430.28		
Paid Chk# 103038	7/21/2016	MNFIAM BOOK SALES			
E 101-42200-210	Operating Supplies (GENERAL)		\$75.00	2247	FD SUPPLIES
	Total MNFIAM BOOK SALES		\$75.00		
Paid Chk# 103039	7/21/2016	MORRIE S MINNETONKA FORD			
E 101-45200-222	Repair & Maint - Equip		\$6.00	542975	PARTS
	Total MORRIE S MINNETONKA FORD		\$6.00		
Paid Chk# 103040	7/21/2016	NAPA AUTO PARTS - PLYMOUTH			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$49.85	523738	PARTS
	Total NAPA AUTO PARTS - PLYMOUTH		\$49.85		
Paid Chk# 103041	7/21/2016	NAPA AUTO PARTS-LONG LAKE			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$86.97	324762	PARTS
	Total NAPA AUTO PARTS-LONG LAKE		\$86.97		
Paid Chk# 103042	7/21/2016	NAPA AUTO PARTS-WATERTOWN			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$115.50	460172	PARTS
E 101-43100-220	Repair/Maint Supply (GENERAL)		(\$156.72)	460226	PARTS
E 101-41940-210	Operating Supplies (GENERAL)		\$63.90	461510	PARTS
E 101-43100-210	Operating Supplies (GENERAL)		\$20.20	461763	PARTS
	Total NAPA AUTO PARTS-WATERTOWN		\$42.88		
Paid Chk# 103043	7/21/2016	NEWMAN TRAFFIC SIGNS			
E 101-43100-226	Sign Repair Materials		\$1,529.23	0299888	SPEED HUMP SIGNS
	Total NEWMAN TRAFFIC SIGNS		\$1,529.23		
Paid Chk# 103044	7/21/2016	OFFICE DEPOT			
E 101-42100-200	Office Supplies (GENERAL)		\$12.79	849179408001	SUPPLIES
E 640-48000-200	Office Supplies (GENERAL)		\$41.24	849179408001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$115.04	849179408001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$31.18	849179470001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$9.67	849179471001	SUPPLIES
	Total OFFICE DEPOT		\$209.92		
Paid Chk# 103045	7/21/2016	OTTEN BROTHERS			
E 101-45200-227	Plantings		\$33.83	1-1453914	PLANTS
E 101-45200-216	Chemicals and Chem Products		\$17.99	1-1453915	CHEMICALS
	Total OTTEN BROTHERS		\$51.82		
Paid Chk# 103046	7/21/2016	PARROTT CONTRACTING			
R 101-00000-34190	Charges for Services/Gen Gov		(\$455.00)	REFUND	DEGRADATION FEE
G 101-20300	Deposits Payable		\$1,019.00	REFUND	STREET CUT REFUND
	Total PARROTT CONTRACTING		\$564.00		
Paid Chk# 103047	7/21/2016	PERFORMANCE PETROLEUM			
E 101-49200-212	Motor Fuels		\$489.71	127928	DYED FUEL
	Total PERFORMANCE PETROLEUM		\$489.71		

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
Paid Chk#	103048	7/21/2016	PLANT & FLANGED EQUIPMENT CO.		
	E 610-40000-242	Well & F.P. Equipment	\$565.00	0067484	PARTS
	Total	PLANT & FLANGED EQUIPMENT CO.	\$565.00		
Paid Chk#	103049	7/21/2016	POPE/DOUGLAS		
	E 101-42100-309	Contractual Services	\$160.00	WAYZATAPD0	PD DISPOSAL
	Total	POPE/DOUGLAS	\$160.00		
Paid Chk#	103050	7/21/2016	PORSCHE OF MINNEAPOLIS		
	G 630-20300	Deposits Payable	\$6,447.64	CVR REFUND	CVR REFUND
	Total	PORSCHE OF MINNEAPOLIS	\$6,447.64		
Paid Chk#	103051	7/21/2016	RISVOLD, MICHAEL		
	E 101-42100-433	Dues, Licensing & Seminars	\$266.20	CONF.EXP.	CONF.EXP.
	Total	RISVOLD, MICHAEL	\$266.20		
Paid Chk#	103052	7/21/2016	RUDY LUTHER		
	G 630-20300	Deposits Payable	\$1,007.98	CVR REFUND	CVR REFUND
	Total	RUDY LUTHER	\$1,007.98		
Paid Chk#	103053	7/21/2016	RUFFRIDGE JOHNSON EQUIPMENT CO		
	E 409-43100-540	Equipment	\$9,776.00	EA00138	ASPHALT CURB MACHINE
	Total	RUFFRIDGE JOHNSON EQUIPMENT CO	\$9,776.00		
Paid Chk#	103054	7/21/2016	SHERWIN-WILLIAMS CO.		
	E 610-40000-225	Repair & Maint - System	\$53.15	9863-8	HYDRANT PAINT
	Total	SHERWIN-WILLIAMS CO.	\$53.15		
Paid Chk#	103055	7/21/2016	SIGNS NOW		
	E 101-43100-226	Sign Repair Materials	\$65.00	29332	STAFF PARKING ONLY SIGNS
	Total	SIGNS NOW	\$65.00		
Paid Chk#	103056	7/21/2016	STATE OF MINNESOTA		
	E 101-42100-323	Radio Units	\$270.00	00000298819	PD RADIO CONNECTION
	Total	STATE OF MINNESOTA	\$270.00		
Paid Chk#	103057	7/21/2016	STREICHER S		
	E 101-42100-217	Uniforms	\$139.99	I1215941	PD UNIFORMS
	E 101-42100-217	Uniforms	\$139.99	I1216445	PD UNIFORMS
	Total	STREICHER S	\$279.98		
Paid Chk#	103058	7/21/2016	TEGRA GROUP, INC.		
	E 316-40000-309	Contractual Services	\$2,928.00	368.0116	PARKING RAMP
	Total	TEGRA GROUP, INC.	\$2,928.00		
Paid Chk#	103059	7/21/2016	TIME SAVER		
	E 101-41100-302	Consultants	\$404.00	M22261	MTG.MINUTES
	Total	TIME SAVER	\$404.00		
Paid Chk#	103060	7/21/2016	TRI-CITY		
	E 610-40000-309	Contractual Services	\$52.50	6/1-6/30/16	WATER ANALYSIS
	Total	TRI-CITY	\$52.50		
Paid Chk#	103061	7/21/2016	TROPHIES BY LINDA		
	E 101-41500-306	Personnel Expense	\$90.00	32733	CLOCK
	Total	TROPHIES BY LINDA	\$90.00		
Paid Chk#	103062	7/21/2016	UNIFORMS UNLIMITED		
	E 101-42100-217	Uniforms	\$123.99	23733-2	PD UNIFORMS & SUPPLIES

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
E 101-42100-217	Uniforms		\$17.98	24037-2	PD UNIFORMS & SUPPLIES
	Total UNIFORMS UNLIMITED		\$141.97		
Paid Chk# 103063	7/21/2016	UPS STORE			
E 620-40000-210	Operating Supplies (GENERAL)		\$17.09	0651	SUPPLIES
E 233-40000-499	Miscellaneous		(\$23.45)	1590	SUPPLIES
E 404-40000-499	Miscellaneous		\$25.00	4942	SUPPLIES
	Total UPS STORE		\$18.64		
Paid Chk# 103064	7/21/2016	VALLEY-RICH CO., INC.			
E 610-40000-405	Maint/Replac - System		\$4,931.00	22970	WATERMAIN BREAK
	Total VALLEY-RICH CO., INC.		\$4,931.00		
Paid Chk# 103065	7/21/2016	VAN PAPER COMPANY			
E 101-41500-200	Office Supplies (GENERAL)		\$37.68	392587	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)		\$58.47	393463	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$58.48	393463	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)		\$116.97	393463	SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$116.97	393463	SUPPLIES
	Total VAN PAPER COMPANY		\$388.57		
Paid Chk# 103066	7/21/2016	VARNER MOBILE SERVICES, LLC			
E 101-43100-404	Repairs/Maint - Machin/Equip		\$410.25	4887	BRAKE REPAIRS
E 101-41940-401	Repairs/Maint Buildings		\$323.75	4945	GENERATOR REPAIR
	Total VARNER MOBILE SERVICES, LLC		\$734.00		
Paid Chk# 103067	7/21/2016	VERIZON WIRELESS			
E 101-42100-323	Radio Units		\$200.07	9768583435	PD SERVICE
	Total VERIZON WIRELESS		\$200.07		
Paid Chk# 103068	7/21/2016	VERIZON WIRELESS			
E 101-42200-323	Radio Units		\$12.77	9767360403	FD SERVICE
	Total VERIZON WIRELESS		\$12.77		
Paid Chk# 103069	7/21/2016	VESSCO, INC.			
E 610-40000-242	Well & F.P. Equipment		\$4,954.00	66659	WTP#3
	Total VESSCO, INC.		\$4,954.00		
Paid Chk# 103070	7/21/2016	VILLAGE CHEVROLET			
G 630-20300	Deposits Payable		\$377.75	CVR REFUND	CVR REFUND
	Total VILLAGE CHEVROLET		\$377.75		
Paid Chk# 103071	7/21/2016	WAYZATA TIRE & AUTO			
E 101-42200-404	Repairs/Maint - Machin/Equip		\$68.70	130177	FD REPAIRS
	Total WAYZATA TIRE & AUTO		\$68.70		
Paid Chk# 103072	7/21/2016	WEST STAR ELECTRIC, INC.			
E 233-40000-401	Repairs/Maint Buildings		\$922.00	31605	BEACH SHACK REPAIRS
	Total WEST STAR ELECTRIC, INC.		\$922.00		
Paid Chk# 103073	7/21/2016	WUNDERLICH - MALEC			
E 610-40000-242	Well & F.P. Equipment		\$675.00	9744	WTP#3 PARTS
	Total WUNDERLICH - MALEC		\$675.00		
Paid Chk# 103074	7/21/2016	XCEL ENERGY			
E 101-45203-381	Electric Utilities		\$2,587.39		SERVICE
	Total XCEL ENERGY		\$2,587.39		
Paid Chk# 103075	7/22/2016	ARTISAN BEER COMPANY			

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
E 640-48000-253	Beer For Resale		\$270.00	3110491	BEER
E 640-47000-253	Beer For Resale		\$412.55	3110602	BEER
E 640-47000-253	Beer For Resale		\$361.50	3112030	BEER
Total ARTISAN BEER COMPANY			\$1,044.05		
<hr/>					
Paid Chk#	103076	7/22/2016	BELLBOY BAR SUPPLY CORP.		
E 640-47000-254	Soft Drinks/Mix For Resale		\$70.00	54363200	MISC.BEV.
E 640-47000-259	Freight		\$18.45	54363200	FREIGHT
E 640-47000-252	Wine For Resale		\$192.00	54363200	WINE
E 640-47000-251	Liquor For Resale		\$575.00	54363200	LIQUOR
E 640-47000-256	MISC.MDSE.RESALE		\$262.75	6671400	CIGARS
E 640-47000-210	Operating Supplies (GENERAL)		\$180.42	94215800	SUPPLIES
Total BELLBOY BAR SUPPLY CORP.			\$1,298.62		
<hr/>					
Paid Chk#	103077	7/22/2016	BERNICK'S WINE		
E 640-47000-254	Soft Drinks/Mix For Resale		\$95.55	305774	MISC.BEV.
E 640-47000-253	Beer For Resale		\$423.30	305775	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$129.00	306925	MISC.BEV.
E 640-47000-253	Beer For Resale		\$82.12	306926	BEER
Total BERNICK'S WINE			\$729.97		
<hr/>					
Paid Chk#	103078	7/22/2016	BOURGET IMPORTS		
E 640-47000-259	Freight		\$4.50	134863	FREIGHT
E 640-47000-252	Wine For Resale		\$340.00	134863	WINE
E 640-47000-252	Wine For Resale		\$630.51	134957	WINE
E 640-47000-259	Freight		\$3.00	134957	FREIGHT
Total BOURGET IMPORTS			\$978.01		
<hr/>					
Paid Chk#	103079	7/22/2016	BREAKTHRU BEVERAGE		
E 640-47000-259	Freight		\$7.25	1080492212	FREIGHT
E 640-47000-252	Wine For Resale		\$1,412.00	1080492212	WINE
E 640-48000-252	Wine For Resale		\$111.04	1080494060	WINE
E 640-48000-251	Liquor For Resale		\$219.00	1080494060	LIQUOR
E 640-47000-252	Wine For Resale		\$2,876.00	1080494087	WINE
E 640-47000-259	Freight		\$28.27	1080494087	FREIGHT
E 640-47000-259	Freight		\$73.98	1080494088	FREIGHT
E 640-47000-251	Liquor For Resale		\$6,718.43	1080494088	LIQUOR
E 640-47000-254	Soft Drinks/Mix For Resale		\$67.04	1080494088	MISC.MIX
E 640-48000-252	Wine For Resale		\$262.15	1080497927	WINE
E 640-47000-251	Liquor For Resale		(\$71.25)	2080140356	LIQUOR
Total BREAKTHRU BEVERAGE			\$11,703.91		
<hr/>					
Paid Chk#	103080	7/22/2016	BREAKTHRY BEVERAGE BEER		
E 640-47000-253	Beer For Resale		\$41.45	1090580486	BEER
E 640-47000-253	Beer For Resale		\$2,193.85	1090580487	BEER
E 640-48000-253	Beer For Resale		\$493.00	1090583190	BEER
E 640-47000-253	Beer For Resale		\$128.00	1090583198	BEER
E 640-47000-253	Beer For Resale		\$108.90	1090583199	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$55.00	1090583200	MISC..MIX
E 640-47000-253	Beer For Resale		\$5,214.30	1090583231	BEER
E 640-48000-253	Beer For Resale		\$267.00	1090585957	BEER
E 640-47000-253	Beer For Resale		(\$30.40)	2090090760	BEER
E 640-47000-253	Beer For Resale		(\$60.00)	2090095446	BEER
E 640-47000-253	Beer For Resale		(\$30.00)	2090104845	BEER
E 640-47000-253	Beer For Resale		(\$24.60)	2090111089	BEER
E 640-47000-253	Beer For Resale		(\$33.85)	2090118081	BEER
E 640-47000-253	Beer For Resale		(\$42.00)	2090119251	BEER
E 640-47000-253	Beer For Resale		(\$112.00)	2090124090	BEER

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
E 640-47000-253	Beer For Resale		(\$55.40)	2090130229	BEER
E 640-47000-253	Beer For Resale		(\$31.20)	2090137955	BEER
E 640-47000-253	Beer For Resale		(\$32.80)	2090138647	BEER
E 640-47000-253	Beer For Resale		(\$309.40)	2090138873	BEER
E 640-47000-253	Beer For Resale		(\$49.85)	2090150184	BEER
E 640-47000-253	Beer For Resale		(\$45.11)	2090172255	BEER
E 640-47000-253	Beer For Resale		(\$76.90)	2090180189	BEER
E 640-47000-253	Beer For Resale		(\$47.07)	2090195481	BEER
E 640-47000-253	Beer For Resale		(\$48.60)	2090198417	BEER
E 640-47000-253	Beer For Resale		(\$100.40)	2090199347	BEER
E 640-47000-253	Beer For Resale		(\$15.20)	2090199750	BEER
Total	BREAKTHRY BEVERAGE BEER		\$7,356.72		
Paid Chk#	103081	7/22/2016	CLEAR RIVER BEVERAGE CO.		
E 640-47000-253	Beer For Resale		\$210.00	69-437	BEER
Total	CLEAR RIVER BEVERAGE CO.		\$210.00		
Paid Chk#	103082	7/22/2016	COCA-COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$98.96	0178082510	MISC.BEV.
Total	COCA-COLA		\$98.96		
Paid Chk#	103083	7/22/2016	COZZINI BROS., INC.		
E 640-48500-415	Other Equipment Rentals		\$52.03	C2830412	KNIFE EXCHANGE
Total	COZZINI BROS., INC.		\$52.03		
Paid Chk#	103084	7/22/2016	CULLIGAN-METRO		
E 640-48500-210	Operating Supplies (GENERAL)		\$153.67	101X29103200	SUPPLIES
Total	CULLIGAN-METRO		\$153.67		
Paid Chk#	103085	7/22/2016	DAHLHEIMER DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale		\$1,053.08	1206555	BEER
E 640-48000-253	Beer For Resale		\$483.00	1208509	BEER
E 640-47000-253	Beer For Resale		\$1,547.60	128858	BEER
Total	DAHLHEIMER DISTRIBUTING CO.		\$3,083.68		
Paid Chk#	103086	7/22/2016	DENNYS 5TH AVENUE BAKERY		
E 640-48500-255	FOODIngredients For Resale		\$137.21	616058	FOOD
E 640-48500-255	FOODIngredients For Resale		\$97.75	616430	FOOD
E 640-48500-255	FOODIngredients For Resale		\$66.16	616653	FOOD
Total	DENNYS 5TH AVENUE BAKERY		\$301.12		
Paid Chk#	103087	7/22/2016	ENKI BREWING COMPANY		
E 640-48000-253	Beer For Resale		\$205.00	5917	BEER
Total	ENKI BREWING COMPANY		\$205.00		
Paid Chk#	103088	7/22/2016	FOREMOST BUSINESS SYSTEMS INC.		
E 640-48000-404	Repairs/Maint - Machin/Equip		\$257.46	34635	REGISTER REPAIRS
Total	FOREMOST BUSINESS SYSTEMS INC.		\$257.46		
Paid Chk#	103089	7/22/2016	FORESTEDGE WINERY		
E 640-47000-252	Wine For Resale		\$117.00	1796	WINE
Total	FORESTEDGE WINERY		\$117.00		
Paid Chk#	103090	7/22/2016	G & K SERVICES		
E 640-48500-217	Uniforms		\$96.60	1013779378	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$69.91	1013779378	KITCHEN UNIFORMS & SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$63.12	1013779378	KITCHEN UNIFORMS & SUPPLIES
Total	G & K SERVICES		\$229.63		

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
Paid Chk#	103091	7/22/2016	GOLDEN VALLEY TCA A LLC		
	G 630-20300	Deposits Payable	\$3,695.98	CVR REFUND	CVR REFUND
	Total	GOLDEN VALLEY TCA A LLC	\$3,695.98		
Paid Chk#	103092	7/22/2016	GRAPE BEGINNINGS, INC.		
	E 640-47000-251	Liquor For Resale	\$117.00	6519	LIQUOR
	E 640-47000-259	Freight	\$20.25	6519	FREIGHT
	E 640-47000-252	Wine For Resale	\$848.00	6519	WINE
	E 640-47000-252	Wine For Resale	\$1,020.00	6520	WINE
	E 640-47000-259	Freight	\$2.25	6520	FREIGHT
	E 640-47000-252	Wine For Resale	(\$36.00)	6603	WINE
	E 640-47000-252	Wine For Resale	\$1,020.00	6736	WINE
	E 640-47000-259	Freight	\$2.25	6736	FREIGHT
	E 640-47000-252	Wine For Resale	\$1,280.00	6737	WINE
	E 640-47000-259	Freight	\$27.00	6737	FREIGHT
	Total	GRAPE BEGINNINGS, INC.	\$4,300.75		
Paid Chk#	103093	7/22/2016	HOHENSTEINS INC.		
	E 640-47000-253	Beer For Resale	\$935.50	836435	BEER
	Total	HOHENSTEINS INC.	\$935.50		
Paid Chk#	103094	7/22/2016	JJ TAYLOR DISTRIBUTING OF MN		
	E 640-47000-253	Beer For Resale	\$320.80	2511393	BEER
	E 640-48000-253	Beer For Resale	\$912.00	2556267	BEER
	Total	JJ TAYLOR DISTRIBUTING OF MN	\$1,232.80		
Paid Chk#	103095	7/22/2016	JOHNSON BROS.-ST.PAUL		
	E 640-47000-259	Freight	\$3.66	5477193	FREIGHT
	E 640-47000-251	Liquor For Resale	\$830.88	5477193	LIQUOR
	E 640-47000-259	Freight	\$14.64	5477407	FREIGHT
	E 640-47000-251	Liquor For Resale	\$1,069.08	5477407	LIQUOR
	E 640-47000-259	Freight	\$143.97	5477408	FREIGHT
	E 640-47000-252	Wine For Resale	\$10,869.06	5477408	WINE
	E 640-47000-251	Liquor For Resale	\$1,125.28	5478722	LIQUOR
	E 640-47000-259	Freight	\$8.54	5478722	FREIGHT
	E 640-47000-252	Wine For Resale	\$801.20	5478723	WINE
	E 640-47000-259	Freight	\$14.64	5478723	FREIGHT
	E 640-47000-251	Liquor For Resale	\$1,314.29	5478724	LIQUOR
	E 640-47000-259	Freight	\$6.25	5478724	FREIGHT
	E 640-47000-251	Liquor For Resale	\$2,965.31	5482617	LIQUOR
	E 640-47000-259	Freight	\$27.15	5482617	FREIGHT
	E 640-47000-259	Freight	\$164.70	5482618	FREIGHT
	E 640-47000-254	Soft Drinks/Mix For Resale	\$68.25	5482618	MISC.MIX
	E 640-47000-252	Wine For Resale	\$10,269.90	5482618	WINE
	E 640-47000-259	Freight	\$31.32	5484184	FREIGHT
	E 640-47000-251	Liquor For Resale	\$5,336.96	5484184	LIQUOR
	E 640-47000-252	Wine For Resale	(\$201.22)	579356	WINE
	E 640-47000-252	Wine For Resale	(\$201.22)	581759	WINE
	Total	JOHNSON BROS.-ST.PAUL	\$34,662.64		
Paid Chk#	103096	7/22/2016	LIBATION PROJECT		
	E 640-47000-252	Wine For Resale	\$384.00	4791	WINE
	E 640-47000-259	Freight	\$4.50	4791	FREIGHT
	Total	LIBATION PROJECT	\$388.50		
Paid Chk#	103097	7/22/2016	LUPINE BREWING COMPANY		
	E 640-48000-253	Beer For Resale	\$50.00	870	BEER

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
Total LUPINE BREWING COMPANY			\$50.00		
Paid Chk#	103098	7/22/2016	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$933.90	219895	CIGARETTES
Total M.AMUNDSON LLP			\$933.90		
Paid Chk#	103099	7/22/2016	MARGRON SKOGLUND WINE IMPORTS		
E 640-47000-252	Wine For Resale		\$606.00	20019945	WINE
E 640-47000-259	Freight		\$10.50	20019945	FREIGHT
tal MARGRON SKOGLUND WINE IMPORTS			\$616.50		
Paid Chk#	103100	7/22/2016	NETWORK BUSINESS SUPPLIES		
E 640-47000-210	Operating Supplies (GENERAL)		\$103.12	00103062	SUPPLIES
Total NETWORK BUSINESS SUPPLIES			\$103.12		
Paid Chk#	103101	7/22/2016	NEW FRANCE WINE COMPANY		
E 640-47000-252	Wine For Resale		\$1,280.00	111251	WINE
E 640-47000-259	Freight		\$3.00	111251	FREIGHT
E 640-47000-252	Wine For Resale		\$640.00	111481	WINE
E 640-47000-259	Freight		\$15.00	111481	FREIGHT
Total NEW FRANCE WINE COMPANY			\$1,938.00		
Paid Chk#	103102	7/22/2016	NORTHWESTERN FRUIT COMPANY		
E 640-48000-251	Liquor For Resale		\$54.40	841996	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$699.65	841996	FOOD
E 640-48500-255	FOODIngredients For Resale		\$299.70	842260	FOOD
Total NORTHWESTERN FRUIT COMPANY			\$1,053.75		
Paid Chk#	103103	7/22/2016	PARLEY LAKE WINERY		
E 640-47000-252	Wine For Resale		\$141.00	16124	WINE
Total PARLEY LAKE WINERY			\$141.00		
Paid Chk#	103104	7/22/2016	PAUSTIS & SONS		
E 640-47000-259	Freight		\$12.50	8553501	FREIGHT
E 640-47000-252	Wine For Resale		\$1,140.99	8553501	WINE
E 640-47000-252	Wine For Resale		\$1,305.48	8554139	WINE
E 640-47000-259	Freight		\$15.00	8554139	FREIGHT
Total PAUSTIS & SONS			\$2,473.97		
Paid Chk#	103105	7/22/2016	PEPSI -COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$244.00	46299612	MISC.BEV.
Total PEPSI -COLA			\$244.00		
Paid Chk#	103106	7/22/2016	PHILLIPS WINES & SPIRITS		
E 640-47000-252	Wine For Resale		\$960.00	2000516	WINE
E 640-47000-259	Freight		\$6.10	2000516	FREIGHT
E 640-47000-252	Wine For Resale		\$222.90	2001527	WINE
E 640-47000-259	Freight		\$6.10	2001527	FREIGHT
E 640-47000-251	Liquor For Resale		\$954.20	2001528	LIQUOR
E 640-47000-259	Freight		\$10.98	2001528	FREIGHT
E 640-47000-259	Freight		\$34.16	2004095	FREIGHT
E 640-47000-252	Wine For Resale		\$2,419.10	2004095	WINE
E 640-47000-259	Freight		\$12.20	2004096	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,188.10	2004096	LIQUOR
E 640-47000-259	Freight		\$1.22	2006035	FREIGHT
E 640-47000-251	Liquor For Resale		\$156.00	2006035	LIQUOR
Total PHILLIPS WINES & SPIRITS			\$5,971.06		
Paid Chk#	103107	7/22/2016	PLUNKETT S PEST CONTROL		

***Check Detail Register©**

July 2016

		Check Amt	Invoice	Comment
E 640-48000-409	Maint services & Improv	\$118.26	5456274	SERVICE
Total PLUNKETT S PEST CONTROL		\$118.26		
<hr/>				
Paid Chk# 103108	7/22/2016	QUALITY SERVICE, INC.		
E 640-48000-404	Repairs/Maint - Machin/Equip	\$450.88	31754	DOOR REPAIRS
Total QUALITY SERVICE, INC.		\$450.88		
<hr/>				
Paid Chk# 103109	7/22/2016	ROOTSTOCK WINE COMPANY		
E 640-47000-252	Wine For Resale	\$192.00	16-6905	WINE
E 640-47000-259	Freight	\$1.50	16-6905	FREIGHT
Total ROOTSTOCK WINE COMPANY		\$193.50		
<hr/>				
Paid Chk# 103110	7/22/2016	SHAMROCK GROUP		
E 640-47000-254	Soft Drinks/Mix For Resale	\$116.40	2018361	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$85.85	2019846	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$116.60	2020568	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$119.60	2021041	ICE
Total SHAMROCK GROUP		\$438.45		
<hr/>				
Paid Chk# 103111	7/22/2016	SOUTHERN WINE & SPIRITS OF MN		
E 640-47000-259	Freight	\$1.28	1425427	FREIGHT
E 640-47000-251	Liquor For Resale	\$315.00	1425427	LIQUOR
E 640-47000-259	Freight	\$7.79	1425428	FREIGHT
E 640-47000-251	Liquor For Resale	\$1,126.00	1425428	LIQUOR
E 640-47000-252	Wine For Resale	\$990.00	1425429	WINE
E 640-47000-259	Freight	\$6.40	1425429	FREIGHT
E 640-47000-259	Freight	\$64.00	1425430	FREIGHT
E 640-47000-252	Wine For Resale	\$3,149.33	1425430	WINE
E 640-47000-251	Liquor For Resale	\$1,899.56	1425431	LIQUOR
E 640-47000-259	Freight	\$13.01	1425431	FREIGHT
E 640-47000-259	Freight	\$72.90	1427888	FREIGHT
E 640-47000-253	Beer For Resale	\$297.00	1427888	BEER
E 640-47000-251	Liquor For Resale	\$8,534.96	1427888	LIQUOR
E 640-47000-254	Soft Drinks/Mix For Resale	\$81.00	1427889	MISC.MIX
E 640-47000-259	Freight	\$3.84	1427889	FREIGHT
E 640-47000-259	Freight	\$52.48	1427890	FREIGHT
E 640-47000-252	Wine For Resale	\$2,508.02	1427890	WINE
Total SOUTHERN WINE & SPIRITS OF MN		\$19,122.57		
<hr/>				
Paid Chk# 103112	7/22/2016	SPENCER JANITORIAL		
E 640-48000-409	Maint services & Improv	\$2,473.65	10429	MONTHLY BAR CLEANING
Total SPENCER JANITORIAL		\$2,473.65		
<hr/>				
Paid Chk# 103113	7/22/2016	STRATEGIC EQUIPMENT AND		
E 640-48500-210	Operating Supplies (GENERAL)	(\$42.12)	152990	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$647.35	2668278	KITCHEN SUPPLIES
E 640-48000-341	General Promotions	\$142.81	2668278	PROMO SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$131.24	2669608	KITCHEN SUPPLIES
Total STRATEGIC EQUIPMENT AND		\$879.28		
<hr/>				
Paid Chk# 103114	7/22/2016	T.D. ANDERSON INC.		
E 640-48000-409	Maint services & Improv	\$115.00	504868	BEER LINES CLEANED
E 640-48000-409	Maint services & Improv	\$135.00	504947	BEER LINES CLEANED
Total T.D. ANDERSON INC.		\$250.00		
<hr/>				
Paid Chk# 103115	7/22/2016	THORPE DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale	\$70.35	1100533	BEER
E 640-48000-253	Beer For Resale	\$517.00	1107264	BEER

***Check Detail Register©**

July 2016

		Check Amt	Invoice	Comment
E 640-47000-253	Beer For Resale	\$61.35	1109933	BEER
E 640-48000-253	Beer For Resale	\$585.00	1110184	BEER
Total THORPE DISTRIBUTING CO.		\$1,233.70		
<hr/>				
Paid Chk# 103116	7/22/2016	TKO WINES, INC.		
E 640-47000-252	Wine For Resale	\$1,440.00	3795	WINE
Total TKO WINES, INC.		\$1,440.00		
<hr/>				
Paid Chk# 103117	7/22/2016	TOLL GAS & WELDING SUPPLY		
E 640-48000-210	Operating Supplies (GENERAL)	\$8.68	40048336	SUPPLIES
Total TOLL GAS & WELDING SUPPLY		\$8.68		
<hr/>				
Paid Chk# 103118	7/22/2016	US FOODS		
E 640-48500-255	FOODIngredients For Resale	\$118.32	4961105	FOOD
E 640-48500-255	FOODIngredients For Resale	\$56.97	5004988	FOOD
E 640-48500-255	FOODIngredients For Resale	\$3,949.38	5040952	FOOD
E 640-48500-255	FOODIngredients For Resale	\$2,221.52	5065004	FOOD
E 640-48000-251	Liquor For Resale	\$56.76	5111841	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$3,784.59	5111841	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$87.61	5111841	SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale	\$337.48	5111841	MISC.BEV.
E 640-48000-342	Promotions - Food/Drinks	\$61.39	5111841	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale	(\$142.21)	5972626	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$168.88)	5979591	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$21.54)	5986148	FOOD
Total US FOODS		\$10,341.39		
<hr/>				
Paid Chk# 103119	7/22/2016	VINO COPIA		
E 640-47000-252	Wine For Resale	\$224.00	0155912	WINE
E 640-47000-259	Freight	\$4.00	0155912	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$120.00	0155913	MISC.MIX
E 640-47000-259	Freight	\$12.00	0155913	FREIGHT
E 640-47000-251	Liquor For Resale	\$26.29	0155914	LIQUOR
E 640-47000-259	Freight	\$2.00	0155914	FREIGHT
Total VINO COPIA		\$388.29		
<hr/>				
Paid Chk# 103120	7/22/2016	WINE COMPANY		
E 640-47000-252	Wine For Resale	\$4,208.67	430216	WINE
E 640-47000-259	Freight	\$44.55	430216	FREIGHT
Total WINE COMPANY		\$4,253.22		
<hr/>				
Paid Chk# 103121	7/22/2016	WINE MERCHANT		
E 640-47000-259	Freight	\$7.63	7087848	FREIGHT
E 640-47000-252	Wine For Resale	\$1,512.00	7087848	WINE
E 640-47000-259	Freight	\$44.53	7088119	FREIGHT
E 640-47000-252	Wine For Resale	\$3,590.48	7088119	WINE
E 640-48000-252	Wine For Resale	\$176.44	7088454	WINE
E 640-47000-252	Wine For Resale	\$1,980.00	7088784	WINE
E 640-47000-259	Freight	\$12.20	7088784	FREIGHT
E 640-47000-259	Freight	\$61.62	7089062	FREIGHT
E 640-47000-252	Wine For Resale	\$4,106.08	7089062	WINE
E 640-48000-252	Wine For Resale	\$263.66	7089226	WINE
E 640-47000-252	Wine For Resale	\$3,847.89	7089250	WINE
E 640-47000-259	Freight	\$29.49	7089250	FREIGHT
E 640-48000-252	Wine For Resale	\$464.10	7089813	WINE
Total WINE MERCHANT		\$16,096.12		
<hr/>				
Paid Chk# 103122	7/22/2016	WRS IMPORTS LLC		

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
E 640-47000-251	Liquor For Resale		\$124.00	1189	LIQUOR
Total WRS IMPORTS LLC			\$124.00		
<hr/>					
Paid Chk# 103123	7/22/2016	Z WINES USA LLC			
E 640-47000-252	Wine For Resale		\$236.00	17042	WINE
E 640-47000-259	Freight		\$5.00	17042	FREIGHT
Total Z WINES USA LLC			\$241.00		
<hr/>					
Paid Chk# 103124	7/27/2016	ABSOLUTE MECHANICAL			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$186.00	6735	PD AC REPAIRS
Total ABSOLUTE MECHANICAL			\$186.00		
<hr/>					
Paid Chk# 103125	7/27/2016	BEST & FLANAGAN			
G 802-20337	529 INDIAN MOUND		\$645.00	459201	529 INDIAN MOUND ESCROW PROJECT
G 802-20323	1405/1407 HOLD.TERRACE		\$1,395.00	459202	1407 HOLD.TER.ESCROW PROEJCT
E 101-41500-304	Legal Fees		\$1,800.00	459203	ORDINANCES
E 101-41500-304	Legal Fees		\$1,762.50	459204	PLANNING COMM.MTG.
G 802-20336	181 HUNTINGTON		\$300.00	459205	181 HUNTINGTON ESCROW PROJECT
G 802-20334	426 FERNDALE		\$187.50	459206	426 FERNDALE ESCROW PROJECT
G 802-20335	353 PARK		\$187.50	459207	353 PARK ESCROW PROJECT
G 802-20332	MEYER BROS DEV.		\$525.00	459216	MEYER BROS DEV.ESCROW PROJECT
Total BEST & FLANAGAN			\$6,802.50		
<hr/>					
Paid Chk# 103126	7/27/2016	BIFFS, INC.			
E 101-45200-415	Other Equipment Rentals		\$62.50	W604752	PARKS SERVICE
E 101-45200-415	Other Equipment Rentals		\$62.50	W604753	PARKS SERVICE
Total BIFFS, INC.			\$125.00		
<hr/>					
Paid Chk# 103127	7/27/2016	BLUE CROSS AND BLUE SHIELD			
G 101-21706	Health Insurance		\$49,562.50		HEALTH INS.
Total BLUE CROSS AND BLUE SHIELD			\$49,562.50		
<hr/>					
Paid Chk# 103128	7/27/2016	CASH - ANCHOR BANK			
E 101-42100-200	Office Supplies (GENERAL)		\$59.00		PD SUPPLIES
G 233-20300	Deposits Payable		\$10.00		BATH HOUSE REFUND
E 610-40000-322	Postage		\$14.00		POSTAGE
E 630-40000-210	Operating Supplies (GENERAL)		\$68.00		MV SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$53.00		SUPPLIES
E 101-42100-404	Repairs/Maint - Machin/Equip		\$21.00		PD TABS
Total CASH - ANCHOR BANK			\$225.00		
<hr/>					
Paid Chk# 103129	7/27/2016	CITY VIEW PLUMBING & HEATING			
E 610-40000-210	Operating Supplies (GENERAL)		\$22.62	44827	SUPPLIES
Total CITY VIEW PLUMBING & HEATING			\$22.62		
<hr/>					
Paid Chk# 103130	7/27/2016	DELTA DENTAL OF MINNESOTA			
G 101-21717	Dental Insurance		\$1,612.95	6568501	DENTAL INS.
Total DELTA DENTAL OF MINNESOTA			\$1,612.95		
<hr/>					
Paid Chk# 103131	7/27/2016	DESIGNLINE PRODUCTS GROUP			
E 404-40000-499	Miscellaneous		\$1,725.60	105603	PICNIC TABLES
Total DESIGNLINE PRODUCTS GROUP			\$1,725.60		
<hr/>					
Paid Chk# 103132	7/27/2016	ECM PUBLISHERS, INC.			
E 101-41500-350	Printing & Publishing		\$28.75	382150	PUBLIC ACCURACY TEST -LEGAL NOTICE
Total ECM PUBLISHERS, INC.			\$28.75		
<hr/>					
Paid Chk# 103133	7/27/2016	EMERYS TREE SERVICE, INC.			
E 101-45200-499	Miscellaneous		\$2,002.50	20773	STORM DAMAGE CLEANUP

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
Total EMERY'S TREE SERVICE, INC.			\$2,002.50		
Paid Chk#	103134	7/27/2016	FERGUSON ENTERPRISES, INC.		
E	101-45203-220	Repair/Maint Supply (GENERAL)	\$147.18	4094952	PARTS
Total FERGUSON ENTERPRISES, INC.			\$147.18		
Paid Chk#	103135	7/27/2016	FLOYD TOTAL SECURITY		
E	610-49100-499	Miscellaneous	\$193.63	1118874	WTP#2 KEYS
Total FLOYD TOTAL SECURITY			\$193.63		
Paid Chk#	103136	7/27/2016	GRAINGER, INC.		
E	101-41940-401	Repairs/Maint Buildings	\$110.16	9159089003	BLDG.REPAIRS
E	101-41940-401	Repairs/Maint Buildings	\$92.63	9160432978	BLDG.REPAIRS
E	237-40000-540	Equipment	\$2,778.16	9166330432	FD - AIR COMPRESSOR
Total GRAINGER, INC.			\$2,980.95		
Paid Chk#	103137	7/27/2016	HGA		
E	316-40000-309	Contractual Services	\$33,412.26	170497	PARKING RAMP
Total HGA			\$33,412.26		
Paid Chk#	103138	7/27/2016	JB SOD FARMS		
E	404-40000-499	Miscellaneous	\$209.05	6/14/16	SOD
Total JB SOD FARMS			\$209.05		
Paid Chk#	103139	7/27/2016	KALFON, JUDITH		
R	610-00000-37110	W/S/Storm Sales	\$70.90	REFUND	OVERPAYMENT ON FINAL UTILITY BILL
Total KALFON, JUDITH			\$70.90		
Paid Chk#	103140	7/27/2016	KENNETH N. POTTS, PA		
E	240-40000-304	Legal Fees	\$6,388.75		DWI FORFEITURE
Total KENNETH N. POTTS, PA			\$6,388.75		
Paid Chk#	103141	7/27/2016	LAMBERT, JEFFREY W.		
E	101-42120-304	Legal Fees	\$3,671.50	JULY 2016	LEGAL SERVICES
Total LAMBERT, JEFFREY W.			\$3,671.50		
Paid Chk#	103142	7/27/2016	LAW ENFORCEMENT LABOR SERVICES		
G	101-21707	Police union dues	\$490.00	JULY 2016	PD UNION DUES - JULY 2016
al LAW ENFORCEMENT LABOR SERVICES			\$490.00		
Paid Chk#	103143	7/27/2016	LEAGUE OF MN CITIES INS.TRUST		
E	101-49200-361	General Liability Ins	\$1,252.31	000000017367	ACCIDENT CLAIM 000000017367
Total LEAGUE OF MN CITIES INS.TRUST			\$1,252.31		
Paid Chk#	103144	7/27/2016	LOFFLER COMPANIES, INC.		
E	409-40000-540	Equipment	\$14,178.99	2283949	EQUIPMENT/SERVER
E	409-40000-540	Equipment	\$3,440.00	2283950	EQUIPMENT/SERVER
E	409-40000-540	Equipment	\$179.00	2283951	EQUIPMENT/SERVER
E	409-40000-540	Equipment	\$11,786.00	2283952	EQUIPMENT/SERVER
E	409-40000-540	Equipment	\$390.00	2283953	EQUIPMENT/SERVER
Total LOFFLER COMPANIES, INC.			\$29,973.99		
Paid Chk#	103145	7/27/2016	MANSFIELD OIL COMPANY		
E	101-49200-212	Motor Fuels	\$826.51	581824	FUEL
Total MANSFIELD OIL COMPANY			\$826.51		
Paid Chk#	103146	7/27/2016	MARY DELAITTRE		
E	233-40000-302	Consultants	\$10,095.86	JULY 2016	LAKE EFFECT
Total MARY DELAITTRE			\$10,095.86		

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
Paid Chk#	103147	7/27/2016	MILLER, FRED		
E 235-40000-302	Consultants		\$1,600.00	133	WTCV
Total MILLER, FRED			\$1,600.00		
Paid Chk#	103148	7/27/2016	MINNESOTA EQUIPMENT		
E 101-45200-222	Repair & Maint - Equip		\$151.06	P46842	PARTS
Total MINNESOTA EQUIPMENT			\$151.06		
Paid Chk#	103149	7/27/2016	MN CHILD SUPPORT PAYMENT CENTE		
G 101-21710	County WH		\$235.00	0015104841	WITHHOLDING ORDER
Total MN CHILD SUPPORT PAYMENT CENTE			\$235.00		
Paid Chk#	103150	7/27/2016	MN NCPERS LIFE INSURANCE		
G 101-21715	PERA Term Life		\$48.00	AUG2016	LIFE INSURANCE
Total MN NCPERS LIFE INSURANCE			\$48.00		
Paid Chk#	103151	7/27/2016	OFFICE DEPOT		
E 101-41500-200	Office Supplies (GENERAL)		(\$16.18)	843865637001	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$20.00	850639548001	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)		\$23.63	850639548001	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$59.54	850639550001	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)		\$59.53	850639550001	SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$119.06	850639550001	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)		\$119.06	850639550001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$149.01	851081841001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$13.27	851081995001	SUPPLIES
Total OFFICE DEPOT			\$546.92		
Paid Chk#	103152	7/27/2016	PAKOR INC.		
E 630-40000-210	Operating Supplies (GENERAL)		\$429.20	8019140	MV SUPPLIES
Total PAKOR INC.			\$429.20		
Paid Chk#	103153	7/27/2016	POPE/DOUGLAS		
E 101-42100-309	Contractual Services		\$27.20	PD062016	PD SERVICE
Total POPE/DOUGLAS			\$27.20		
Paid Chk#	103154	7/27/2016	POPP TELECOM		
E 640-47000-321	Telephone		\$100.00		SERVICE
E 640-48000-321	Telephone		\$100.00		SERVICE
E 101-41940-321	Telephone		\$312.74		SERVICE
E 610-40000-323	Radio Units		\$90.22		SERVICE
E 620-40000-323	Radio Units		\$32.92		SERVICE
Total POPP TELECOM			\$635.88		
Paid Chk#	103155	7/27/2016	POPP TELECOM		
E 101-41940-321	Telephone		\$340.72	136638	NEW PHONE
Total POPP TELECOM			\$340.72		
Paid Chk#	103156	7/27/2016	Q3 CONTRACTING		
E 430-40000-309	Contractual Services		\$517.00	RMN0687078	ASPHALT REPAIR/BROKEN WATER SERVICE
Total Q3 CONTRACTING			\$517.00		
Paid Chk#	103157	7/27/2016	RANDY S SANITATION		
E 101-41940-386	Other Utilities		\$66.96		CH & PW SERVICE
E 640-48000-384	Refuse/Garbage Disposal		\$436.85		BAR
E 650-47600-309	Contractual Services		\$3,941.28		RECYCLING
E 650-47800-384	Refuse/Garbage Disposal		\$6,479.48		ORGANICS
E 650-47500-386	Other Utilities		\$4,000.15		DISPOSAL
E 650-47500-384	Refuse/Garbage Disposal		\$1,098.41		DRIVE UP SERVICE

***Check Detail Register©**

July 2016

			Check Amt	Invoice	Comment
E 650-47500-384	Refuse/Garbage Disposal		\$1,592.71		KARTS
E 650-47500-384	Refuse/Garbage Disposal		\$57.85		STICKERS
E 650-47500-384	Refuse/Garbage Disposal		\$8,814.60		SERVICE
E 650-47800-386	Other Utilities		\$40.95		ORGANICS DISPOSAL
E 640-47000-384	Refuse/Garbage Disposal		\$150.00		STORE
Total RANDY S SANITATION			\$26,679.24		
<hr/>					
Paid Chk# 103158	7/27/2016	SCHANKE, SUZIE			
E 101-42200-409	Maint services & Improv		\$145.00	JULY 2016	MONTHLY FD CLEANING
Total SCHANKE, SUZIE			\$145.00		
<hr/>					
Paid Chk# 103159	7/27/2016	SECURITY PRODUCTS COMPANY			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$722.19	1125690	CAMERA REPAIRS
Total SECURITY PRODUCTS COMPANY			\$722.19		
<hr/>					
Paid Chk# 103160	7/27/2016	SHORT ELLIOTT HENDRICKSON INC.			
G 802-20331	AT&T UPGRAD		\$1,155.52	318308	AT&T ESCROW PROJECT
G 802-20330	VERIZON UPGRADE		\$251.87	318308	VERIZON ESCROW PROJECT
Total SHORT ELLIOTT HENDRICKSON INC.			\$1,407.39		
<hr/>					
Paid Chk# 103161	7/27/2016	SOUTHWEST ASSESSING			
E 101-41550-302	Consultants		\$4,033.33	AUG.2016	AUGUST ASSESSING
E 101-41550-210	Operating Supplies (GENERAL)		\$216.15	AUG.2016	ASSESSING SUPPLIES
Total SOUTHWEST ASSESSING			\$4,249.48		
<hr/>					
Paid Chk# 103162	7/27/2016	SPRINT			
E 101-42200-323	Radio Units		\$302.40	523093316-17	FD SERVICE
Total SPRINT			\$302.40		
<hr/>					
Paid Chk# 103163	7/27/2016	SRF CONSULTING GROUP, INC.			
E 408-40000-302	Consultants		\$6,762.83	08758.00-14	PEAVEY BRIDGE
E 430-40000-302	Consultants		\$107.28	09015.00-4	WAYZ.BLVD.DATA COLLECTION
E 430-40000-302	Consultants		\$3,873.54	09105.00-3	WAYZ.BLVD/SUPERIOR INTERSECTION
Total SRF CONSULTING GROUP, INC.			\$10,743.65		
<hr/>					
Paid Chk# 103164	7/27/2016	TRUCK UTILITIES MFG.CO.			
E 409-45200-550	Vehicles		\$25,027.50	0300440	NEW BOOM TRUCK
Total TRUCK UTILITIES MFG.CO.			\$25,027.50		
<hr/>					
Paid Chk# 103165	7/27/2016	WAYZATA COUNTRY CLUB			
E 620-40000-240	Small Tools and Minor Equip		\$50.00	102	SODCUTTER
E 610-40000-240	Small Tools and Minor Equip		\$50.00	102	SODCUTTER
E 101-45200-240	Small Tools and Minor Equip		\$50.00	102	SODCUTTER
E 101-43100-240	Small Tools and Minor Equip		\$50.00	102	SODCUTTER
Total WAYZATA COUNTRY CLUB			\$200.00		
<hr/>					
Paid Chk# 103166	7/27/2016	WAYZATA PUBLIC SCHOOLS			
E 101-41100-493	Volunteer program		\$100.00	LIFETIME2016	LIFETIME OF LEARNING 2016
Total WAYZATA PUBLIC SCHOOLS			\$100.00		
10100 Anchor Bank			\$895,325.37		

***Check Detail Register©**

July 2016

Check Amt Invoice Comment

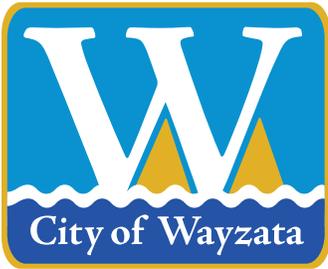
Fund Summary**10100 Anchor Bank**

101 GENERAL FUND	\$121,747.74		
233 LAKFRONT IMPROVE	\$13,831.21		
235 CABLE TV	\$5,706.89		
237 FIRE DEPT PULL TABS	\$2,778.16		
240 DWI FORFIETURES	\$6,388.75		
316 BAY CENTER	\$37,150.26		
404 PARK AND TRAIL CIP	\$2,130.47		
407 CELL TOWER	\$2,310.00		
408 GENERAL CIP	\$6,882.13		
409 EQUIP REVOLVING	\$69,090.24		
430 STREET CIP	\$143,726.65		
437 LIBRARY/COMM.ROOM CIP	\$3,873.00		
610 WATER FUND	\$278,359.21		
620 SEWER FUND	\$1,701.73		
630 MOTOR VEHICLE	\$22,494.30		
640 LIQUOR	\$144,326.81		
650 SOLID WASTE	\$26,025.43		
802 ESCROW PROJECTS	\$6,802.39		
	\$895,325.37		

8/3/2016

THE FOLLOWING 2016 MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

Special Event/Itinerant Food License Wayata Community Church Rummage Sale 8/3 & 8/4	
Wayzata Community Church	Wayzata, MN



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: July 28, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Resolution Amending the 2016 Municipal Fees

Introduction

On July 19th, the City Council adopted the second reading of the City's tree ordinance amendment. The adopted tree preservation ordinance provides for a fee-in-lieu of tree replacement in instances where the total amount of tree replacement required by the ordinance cannot occur on site. In these cases, the City may, at its option, accept a fee-in-lieu of tree replacement. The ordinance states that the amount of the fee-in-lieu of tree replacement will be determined annually by the City Council through the City fee schedule.

Proposed Fee

City staff has consulted with Manuel Jordan with Heritage Shade Tree Consultants to determine the appropriate fee amount. Based on the current cost of trees, City staff recommends that the fee-in-lieu of tree replacement be \$150 per caliper inch. The proposed fee would cover the City's cost to plant a 2.5-inch tree for \$375, which is comparable to what the City has paid for recent City projects. In addition, City staff is recommending that the fee schedule allow for flexibility in cases where the City Forester approves a specific tree replacement plan on City property. In this case, the fee would be the actual cost of implementing the tree replacement plan.

Staff Recommendation

City staff recommends that the City Council adopt Resolution No. 25-2016, which amends the 2016 municipal fees by adopting a new fee-in-lieu of tree replacement.

RESOLUTION NO. 25-2016

**RESOLUTION AMENDING 2016 MUNICIPAL FEES BY ADOPTING NEW
MUNICIPAL FEE FOR TREE REPLACEMENT**

WHEREAS, the City Council of Wayzata, Minnesota has adopted a Code of Ordinances; and

WHEREAS, Wayzata City Code provides that fees are adopted by reference and are as established by City Council Resolution; and

WHEREAS, the City Council adopted Resolution No. 35-2015 on October 20, 2015, which adopted the 2016 municipal fees.

WHEREAS, the City Council adopted the second reading of Ordinance No. 757 on July 19, 2016, which states that a fee-in-lieu of tree replacement will be determined annually by the City Council through the City fee schedule.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata that the City's fee schedule is amended to include the new fee in Exhibit A, effective August 3, 2016.

Adopted this 3rd day of August, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on August 3, 2016.

Deputy City Clerk Becky Malone

SEAL

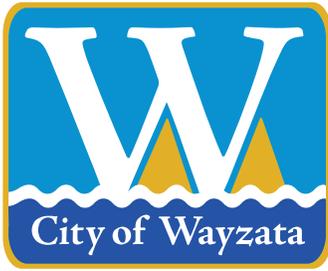
RESOLUTION NO. 25-2016

EXHIBIT A

PLANNING DEPARTMENT

Fee-in-lieu of tree replacement

\$150/caliper inch, or the City's actual cost to implement a tree replacement plan that has been approved by the City Forester



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

DATE: July 26, 2016

TO: Mayor Willcox and Councilmembers

FROM: Jeffrey Dahl, City Manager
Dave Dudinsky, Public Services Director

SUBJECT: Consider Approval of Boatworks II, LLC Request for Landscaping Modifications

Background

Last year, Boatworks II, LLC requested landscaping modifications to provide for more of a flexible event space in the shared parking lot west of the Boatworks building. The modifications will provide for additional parking and improve site lines for future events. The request was denied as the Council did not feel it was given adequate time for consideration. Earlier this summer, Boatworks II, LLC submitted a similar request well ahead of its planned concerts during James J. Hill Days.

Request

The basic request (see attached) involves removal of two oak trees at the north end of the parking lot, the removal of a parking island to provide for two additional stalls, and the removal of eight maple trees that are on the center median between the Boatworks building and the marina. In exchange for those alterations, Boatworks II, LLC would provide the City:

- \$1,400 donation of four new trees (at \$350 per tree) for the removal of two oak trees that would be replaced by two “Proof of Parking” stalls that were part of the Boatworks redevelopment approvals in 1996.
- Eight maple trees would be replaced by four trees of the cities choice planted in special designed Treeetec Nortic CorTen tree tubs that could be moved around the site dependent upon the need.
- \$2,800 for eight new trees (at \$350 per tree) to be planted by the City in the beach/marina area.
- \$1,000 for low landscaping within the aforementioned median area.
- Boatworks would also pay for labor to remove the trees.

Update

After reviewing the proposal at its July 5th work shop, the City Council directed that the Parks and Trails Board provide feedback on the proposal. At its July 20th Meeting, the Parks and Trails Board discussed the proposal and agreed on the following feedback:

- Add 2 trees in planters (increase from 4 to 6) to the median.
- Increase amount of trees to be planted around the beach/park and try to plan them as close to beach as possible in order to increase ground water quality.
- Species of trees in planters should be Japanese Tree Lilacs or Autumn Brilliance Service Berry.

Recommendation

Staff does feel that the ability of the city to have use of the movable tree pots for other community events and the enhanced flexibility for staging public events at the shared parking area between the Boatworks building and the marina are a public benefit. We also agree with the Parks and Trails Board that having three movable tree pots in each section of the median (for a total of six movable trees) would be preferred. The additional tree pots and the tree that goes in the pot are about \$3,500 each. The city has available park dedication funds to provide one of those trees and Boatworks II, LLC has agreed to increase their contribution to fund an additional tree pot for a total of six pots with trees. The above approach would therefore follow the Park and Trails Board recommendation as well as a comment that was made by one of the council members at the previous council meeting.

City Council Action Requested

Motion to authorize staff to enter into agreement between the City and Boatworks II, LLC based on the attached proposal along with the conditions mentioned by the Parks and Trails Board.

Memo to: Mayor, City Council & City staff

Date: 6/28/16

From: Rick Born, Boatworks II, LLC

Re: Boatworks II, LLC request for landscaping modifications in shared parking lot west of the Boatworks building

Boatworks II, LLC is requesting a few modifications to the parking and landscaping in the shared parking space west of the Boatworks building. Our request is outlined below:

The basic proposal involves removal of two oak trees and parking island at the north end of the parking spaces that are primarily on Boatwork property and eight maple trees that are on the center median between the Boatworks building and the marina.

The two oak trees would be replaced by two "Proof of Parking" stalls that were part of the original Boatworks redevelopment approvals in 1996, and a donation to the city of \$1,400 for four new trees (\$350/tree) to be planted by the city in the beach/marina area.

The eight maple trees would be replaced by four trees of the cities choice planted in special designed 59" x 59" x 35" Treetec Nordic CorTen tree tubs manufactured by STREETLIFE of the Netherlands. The tree tubs allow for the trees to be relocated for special events held in the Boatworks/Beach/Marina parking area, such as the James J. Hill event, and can be used to enhance other areas of the city during special events where supplemental natural landscaping would enhance the experience of those events. The four tree tubs would be purchased and installed by Boatworks II, LLC, and donated to the city. The Treetec Nordic System is specially designed to sustain trees in heavy frost zones that have harsh long winters. The tree tubs would be connected to the existing lawn sprinkler system via a drip irrigation system and incorporate heating cables with capillary columns to provide sufficient irrigation and oxygenation (see attached product literature). Boatworks II, LLC will warrantee the trees survival for two years after the initial installation. In addition to the four movable tree tubs, Boatworks II, LLC would donate an additional \$2,800 for eight additional trees (\$350/tree) to be planted by the city in the beach/marina area. Boatworks II, LLC would also donate \$1,000 for additional low shrubbery to be planted by the city in the median area.

Due to the fact that the existing trees are right over sewer, water and electrical lines, city staff has requested that they be allowed to remove the tree stumps. Boatworks II, LLC would reimburse the city for the time it takes to do that work. If you have any questions on the above please feel free to give me a call, or you can call my consultant Terry Schneider (612-720-7667).

Rick Born
Boatworks II, LLC
952-404-2676

SHEET PILE RETAINING WALL

Property

Remove conc. curbing, and existing oak trees donate \$1,400 to city for four new trees at a location selected by the city. Repave and stripe disturbed area.

Remove four maple trees

Remove four maple trees

Property Line

Proposed removal modification to landscaping in City/Boatworks shared parking area

6/26/16

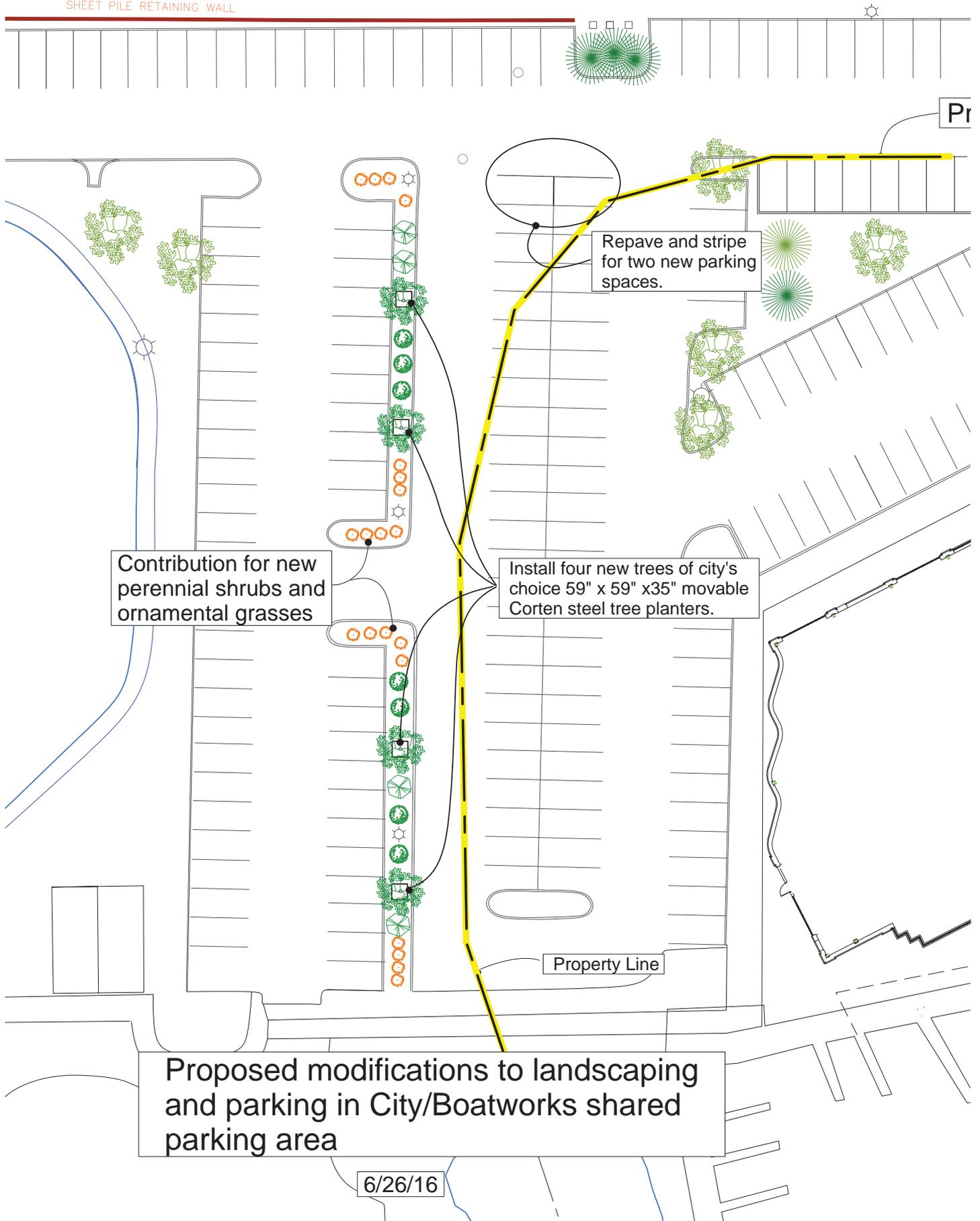
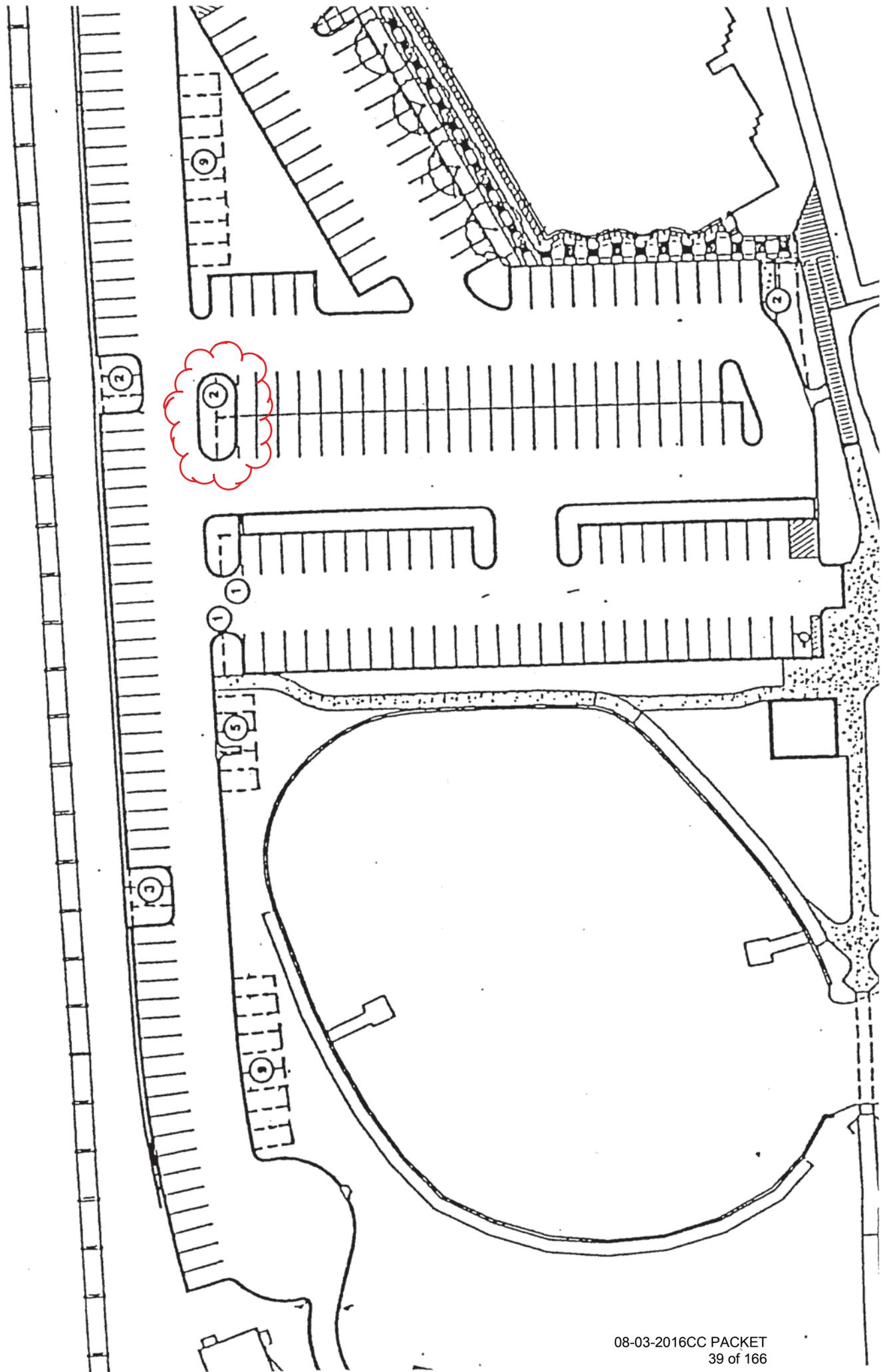


EXHIBIT H-1
ADDITIONAL PARKING AREA

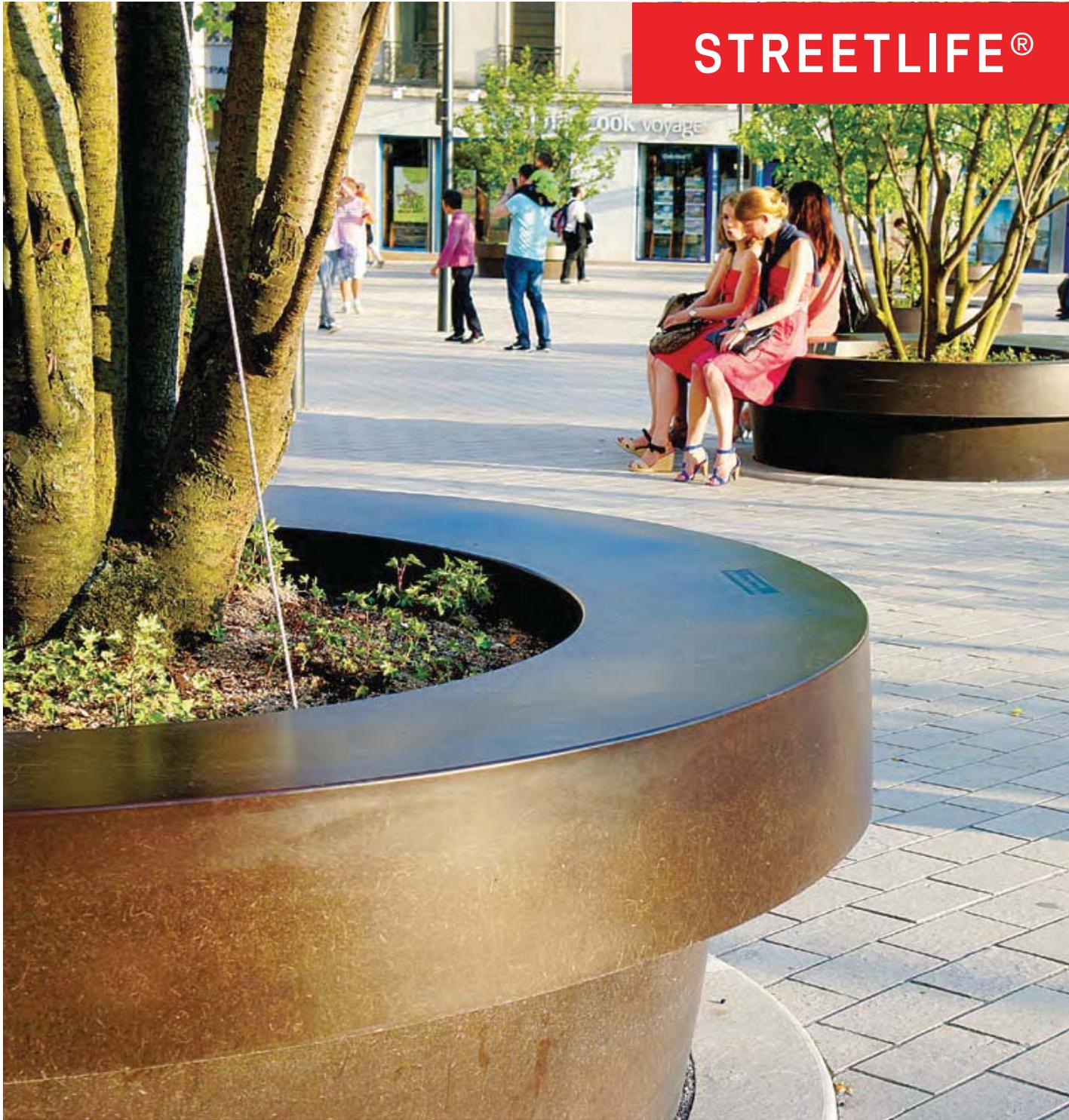
Attachment B
Development Agreement proof of parking

BURLI



Tree Products

Collection 2014 - 2015



STREETLIFE®



Tree Tub Technology

Years of research and experience with countless urban projects have resulted in the Treetec® system which is applied in Streetlife's tree tubs. Streetlife collaborates with alliance partner BSI Bomenservice BV in projects involving sustainable and urban greenery. The Treetec® treecare system enables trees in tree tubs to develop properly. In this way, you can apply sustainable greenery and urban trees at any urban location, building, parking decks, viaduct or roof terrace.

The Treetec® **wall construction** ensures sufficient thermal insulation and prevents damaging variations in temperature. As well as water, trees also require a sufficient supply of oxygen to their roots. The Treetec® wall construction ensures oxygen circulation around the root ball on the inside of the tub.

Each Streetlife tree tub has facilities to fix small and large root balls in the tree tub. This invisible **root ball anchoring** prevents any lop-sided growth of the tree.

Every Streetlife tree tub is designed in such a way that the tub and the tree are easily **relocated**. Depending on the size of the tree tub, this may be done with a fork-lift truck or with a crane (with standard counterweights or hoisting band set). One should calculate for 1700 kg per m³ with a damp substrate.

Trees in tubs require a measured composition of the **substrate**. We have had success using a compound of potting compost and sand supplemented with additives. We recommend using ground covering, e.g. ivy matting or tree grids. Green ground covering creates an aesthetically appealing effect, insulates the soil's top surface, and prevents it from drying out and dirt from accumulating.

Compact urban spaces have an increasing need for sustainable shrubbery and landscaping on deck patios and roofs. However, these structures are often limited to a maximum uniformly distributed load of 500 kg/m². Using lightweight decking and planters filled with a low-density substrate provides an affordable and sustainable way to plant trees on roofs. High-rise buildings are subject to high wind loads. Once tree types and planters have been selected, Streetlife can provide advice about wind load calculations based on statistical assumptions for various tree types.

Treetec® Basic, Treetec® Bottom Up and Nordic® system are standardized tree care systems that can be integrated with Streetlife's range of professional tree planters. Treetec® systems ensure adequate insulation, oxygen circulation, root ball fixing, irrigation and excess water drainage. Capillary tubes in the Treetec® kit provide improved water circulation that significantly reduces the frequency with which watering and maintenance are required in the growing season.

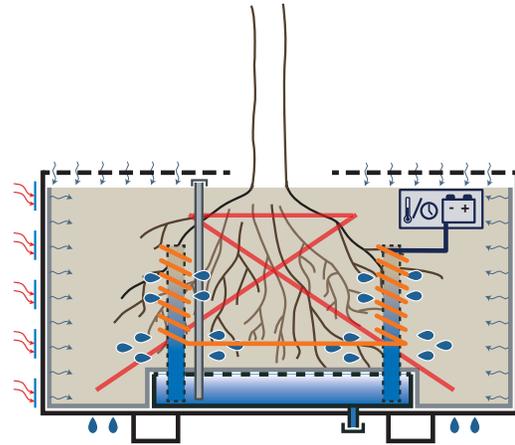
Please refer to p. 10B for **Treetec® schematic** diagrams and specifications. Treetec® systems and Streetlife tree planters are intellectual property protected by filed patents and designs. Several factors determine whether trees grow successfully in a planter, e.g. tree type, substrate, maintenance, pruning and watering.

Please refer to the **tree table** to help make the right choice of tree type.

Treetec® Nordic

With the Treetec® Nordic System, it is also possible to sustainably grow trees in planters in heavy frost zones. Nordic is a new addition to the Treetec® Bottom Up System. In climates with very harsh and long winters, such as in parts of Scandinavia and Canada, trees can dehydrate quickly due to a lack of water. The delicate, early sunshine of spring is often insufficient to reactivate the sap streams in time as a result of the soil having been frosted for too long. By integrating heating cables with the capillary columns, sufficient irrigation and oxygen circulation is made possible.

Incorporating a battery box in the tree planter ensures that the trees remain mobile. Streetlife, Alnarp SLU University of Agricultural Sciences (SE) and Malmö BiodiverCity are currently conducting further research to optimise the Treetec® Nordic System.



TTNO-4, Treetec® with four capillary columns and Nordic System.



Treetec® Nordic System, equal to Treetec® Bottom Up (1 up to 7):

8. Heating cables integrated with capillary columns.

9. Battery box for large battery and optional operating unit.

The battery only has to be present for a limited period to be connected by the greenery manager.

A root ball that was developed with the Treetec® Bottom Up System provides valuable information. The photo clearly shows the capillary columns accommodated by the roots as well as the young root growth. After between six and 18 months, the capillary columns have become the central supply channels for healthy root development, ensuring adequate irrigation and oxygen circulation. The Treetec® wall construction has helped healthy young roots to grow around the root ball.

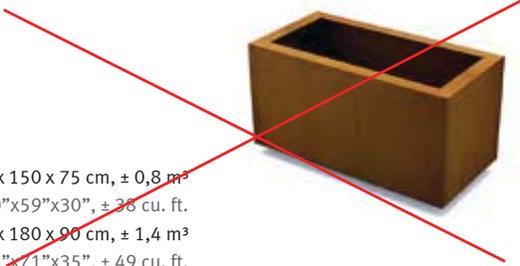
CorTen Shrubtubs



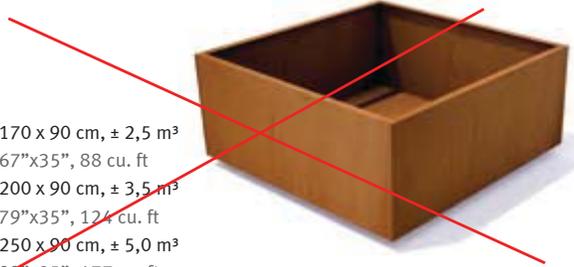
~~STUB-75 x 75 x 60 cm, ± 0,35 m³
- 30"x30"x24", ± 12 cu. ft.
STUB-90 x 90 x 90 cm, ± 0,7 m³
- 35"x35"x35", ± 25 cu. ft.~~



STUB-150 x 150 x 90 cm, ± 2 m³
- 59"x59"x35", ± 71 cu. ft.
STUB-150 x 150 x 105 cm, ± 2,25 m³
- 59"x59"x41", ± 79 cu. ft.
STUB-150 x 150 x 120 cm, ± 2,5 m³
- 59"x59"x47", ± 88 cu. ft.

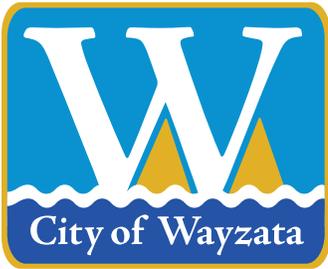


~~STUB-75 x 150 x 75 cm, ± 0,8 m³
- 30"x59"x30", ± 38 cu. ft.
STUB-90 x 180 x 90 cm, ± 1,4 m³
- 35"x71"x35", ± 49 cu. ft.~~



~~STUB-170 x 170 x 90 cm, ± 2,5 m³
- 67"x67"x35", 88 cu. ft.
STUB-200 x 200 x 90 cm, ± 3,5 m³
- 79"x79"x35", 124 cu. ft.
STUB-250 x 250 x 90 cm, ± 5,0 m³
- 98"x98"x35", 177 cu. ft.~~





City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: July 28, 2016

To: Mayor Willcox and City Councilmembers

From: Jeff Thomson, Director of Planning and Building
Wayzata City Attorney (Allison Brandenburg; David Schelzel)

Subject: Partition Fence Law

The 2016 State legislative session included a change to the State law regarding Minnesota's partition fence law. Minnesota's partition fence law, Minn. Stat., Ch. 344, requires land owners to share in the cost of building partition fences with the owners of neighboring properties. Chapter 344 is based on a common law principle that land owners should build fences to restrain livestock from freely ranging onto neighboring properties and across the state. Under Chapter 344, if a property owner wishes to construct a partition fence and the owner of the neighboring property refuses to share in the cost of building it, the owner wanting to build the fence may petition the "fence viewers" to render a decision assigning each owner a share of the cost and setting a construction deadline. § 344.01 defines "fence viewers" to include city council members.

There has been a long-standing exception to this rule under Minn. Stat. § 344.011, which exempts owners of properties smaller than 20 acres from the fence cost-sharing requirements. Until now, the authority to apply this exemption rested solely with Minnesota townships, seemingly due to the fact that Chapter 344 typically only has meaningful application in rural areas. The 2016 amendment to § 344.011 now extends this authority to cities like Wayzata. This amendment was apparently prompted by reports of landowners in suburban areas using the partition fence law to force cities to essentially mediate fence disputes in residential subdivisions, a costly and time-consuming process. In order to apply the exemption, the Council needs to pass a resolution which specifically adopts the exemption.

The City has not been petitioned to be a fence viewer for fence disputes between property owners. However, the City would benefit from adopting a resolution which specifically exempts the City from fence viewing requirements to ensure that the City is not required to mediate private disputes regarding fences on private property.

City Staff recommends that the City Council adopt draft Resolution No. 28-2016, which authorizes and adopts the exemption to the Minnesota partition fence law.

CITY OF WAYZATA

DRAFT RESOLUTION NO. 28-2016

**A RESOLUTION AUTHORIZING AND ADOPTING THE EXEMPTION
TO THE MINNESOTA PARTITION FENCE LAW
FOR CERTAIN PROPERTY OWNERS**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the amendment to the state partition fence law, codified at Minn. Stat. § 344.011, to give home rule charter and statutory cities the authority to exempt owners of properties considered to be less than 20 acres combined from the partition fence law requirements of Minnesota Statutes, Chapter 344;

WHEREAS, in order to adopt said partition fence law exemption for owners of properties considered to be less than 20 acres combined, the Wayzata City Council must pass a resolution adopting the exemption provided for in Minn. Stat. § 344.011.

NOW, THEREFORE, BE IT RESOLVED, that the Wayzata City Council hereby adopts the exemption provided for in Minn. Stat. § 344.011, as may be amended from time to time, thereby exempting the owners of land considered to be less than 20 acres combined from the partition fence law under Minnesota Statutes, Chapter 344.

Adopted by the Wayzata City Council this 3rd day of August, 2016.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

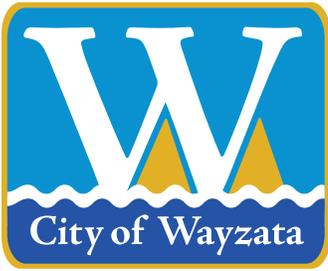
Absent:

Resolution Adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on August 3, 2016.

Becky Malone, Deputy City Clerk

SEAL



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: July 28, 2016

To: Mayor Willcox and City Council Members

From: Jeffrey Dahl, City Manager
Jeff Thomson, Planning and Building Director
Mary deLaittre, Consultant

Subject: Draft Recommendations on Lake Effect Scope, Next Steps, and Consideration of the Public-Private Agreement between the City of Wayzata and Lake Effect Conservancy

BACKGROUND

Upon receipt of the Lake Effect Signature Park Project (Lake Effect Park) schematic design in May, staff was directed to recommend to the Council a realistic scope and sequencing of the project. Two Lake Effect-specific Council Workshops took place on July 5 and July 25. These sessions included a review of staff recommendations, presentation and site walk-about led by Civitas, and in-depth q + a, discussion and opportunity to express opinions about how to proceed with the Park project.

In addition to defining the initial scope of this project, the other components that are critical to launching this next phase, and ultimately the successful construction and sustainability of the Lake Effect Park, include:

- The City of Wayzata/Lake Effect Conservancy Agreement – a City Council/Conservancy Board approved public private ‘partnership’ agreement outlining roles and responsibilities to fundraise for the Lake Effect Park.
- Pre-design requirements: EAW, maintenance and operations cost estimate and design team technical support.

The objective of this memo is to briefly outline this unique partnership with the Conservancy, describe recommended scope, phasing and refinement of the Lake Effect Park, and define next steps in preparation for Council action.

CITY OF WAYZATA/LAKE EFFECT CONSERVANCY AGREEMENT

On June 14th the City Council and the prospective Conservancy board members attended a joint workshop to discuss the DRAFT Agreement with the City.

Attached is the revised City/Conservancy Agreement for your approval. The revisions reflect the recommendations from the June 14th workshop as well as revisions recommended by The Lake Effect Conservancy attorney and specifically address:

- Expansion of the “Background and Context” section with language suggested by the Conservancy’s attorney. The intention is to clarify the overall relationship a little more, mostly to guard against a view that the Conservancy is just a vendor of the City, carrying out a governmental function, and its data on private donors subject to the Gov’t Data Practices Act.
- Change to give the Conservancy the same termination right the City has (Sec. II.).
- Addition of “Public-Private” to the “Partnership” heading which is a widely used term/characterization for this kind of project (Sec. III).
- Clarifications to the language of some of the “Constraints” that both parties acknowledge under the Agreement, making it clear that funding is not guaranteed, and that the design actually built and maintained should be consistent with how it is presented during fundraising phase (Sec. V).

LAKE EFFECT PARK IMPLEMENTATION PLAN

The following are the revised Scope, Phasing and Refinement, and Next Steps recommendations for Lake Effect Park that reflect Staff advice and Council direction:

1. Recommendation for Initial Scope of Lake Effect Park

See attached diagram for visual plan, outlined/described components and supporting text.

- **Transforming the Lake Edge**
Build Lake Edge improvements from “Eco Park” to the Depot, including the boardwalk with improved connections to the Depot and Boat Works, two enhanced railroad crossings and the transformation of the Lake/Broadway parking lot into an urban park (contingent upon Council approval of the Mill Street Parking Ramp).
TOTAL Cost Estimate: \$10,275,800.00
- **Pop-Up Park**
If the Council approves the building of the Mill Street Parking Ramp, design and construct a temporary or Pop-Up park, and schedule varying programming ideas, at the existing Lake/Broadway parking lot to test the community use preferences of the space.
TOTAL Cost Estimate: \$150,000.00

This step will inform the final design of the urban park referenced in Transforming the Lake Edge and is most eligible for private funding.

- **Enhancing Lake Street**

Redesign and build Lake Street to be more pedestrian/bike friendly with a new road, enhanced streetscape and safer, protected bike path connecting to the Dakota Trail.

TOTAL Cost Estimate: \$2,551,134.00

This project is primarily road, curb and sidewalk/path construction and would be eligible for public funds that augment what is spelled out in the City's CIP. The bike trailhead and path is eligible for public agency partner funding.

NOTES:

The Beach and Boat Works improvements have not been recommended for implementation at this time for sequencing purposes but could be reconsidered once components referenced above have been initiated.

The modified marina, expanded parking lot, and proposed new railroad crossing at Walker Street have not been recommended for implementation at this time based on community input and permitting effort required.

2. Phasing and Refinement

Each component outlined above would commence only after funding has been secured.

Once Council takes action on Lake Effect Park Initial Scope, consultants will continue the iterative problem solving process of information gathering and further refinement of the Park design, with Council oversight and review throughout the process. The typical approach of the refined problem solving process include:

- Complete nine-month Environmental Assessment Worksheet (See more detailed information regarding the EAW below)
- Commission and evaluate survey and detailed site conditions
- Evaluate opportunities to re-use, retrofit, replace site components
- Develop design character – architecture, materials, details
- Review functionality and connectivity
- Send out package for refined costs and phasing

Environmental Assessment Worksheet---An EAW is document which reviews the potential environmental effects of a development project. An EAW includes a public process, including public open house, and review and comment period by other local, state, and federal agencies to determine if a project will have significant environmental impacts, and determine ways to avoid or minimize potential environmental effects. An EAW is completed prior to applying for permits to construct any project.

It is anticipated that the Lake Effect project, specifically the components within the lake, will likely require a mandatory EAW. One of the recommendations of the Technical Committee for the schematic design was to complete the Lake Effect EAW early in the process. The EAW can be used as a discovery phase to provide more detailed information, solicit public input on

potential environmental effects, and further engage outside agencies to determine permitting and approval requirements. It is important to note that an EAW is not an approval of the project. The EAW is used to inform the detail design of project, and will be included with the permit application to all regulating agencies.

The City has received proposals to complete an EAW for the Lake Effect project. The proposals include (1) Proposal from Braun Intertec for \$24,750 to complete the EAW; (2) Proposal from Braun Intertec for \$7,000 to complete a Phase 1 Environmental Site Assessment and Hazardous Building Material Inspection which would be used in the EAW; and (3) Proposal from Civitas for \$43,115 for consultation and design services needed to define the scope and design of the project, attendance at a public open house, and response to technical questions received during public comment period. The total cost of the EAW items is \$74,865.

City staff recommends that the project scope for the EAW include all components of the Lake Effect schematic design except for the marina, expanded parking lot, and new railroad crossing at Walker Street, as these items are not recommended for implementation based on community input and permitting effort required. The project scope for the EAW would include the beach and Boat Works improvements, even though these are not recommended for implementation at this time.

3. Next Steps

Along with Consideration of the City of Wayzata/Lake Effect Conservancy Agreement and the resolution defining the scope, the following pre-design components need to be considered for Council action in order to maintain progress on the Lake Effect Park:

Pre-design Items and Budget:

EAW (Braun/Civitas)	\$74,865
M+O review (ETM)	\$28,180
Transition Period Design Services (Civitas)	\$26,000
TOTAL Pre-design	\$129,045

The attached pre-design deliverables are part of a larger series of milestones over the next 24 months:

- August 2016 – April 2017--- Agreement with BNSF Railroad
- August 2016 – Conservancy launch and Lake Effect Park fundraising begins
- April - September 2017 - Design Development/Construction Documents and permitting
- October – December 2017 – Final cost estimates and phasing
- January/February 2018 – Construction begins if funds secured

Staff recommends that that costs associated with the pre-design items and EAW are paid out of the “Lakefront” CIP fund. The current balance of this fund is approximately \$552,000. These consultant costs have been programmed in the CIP as eligible 2015-2016 expenditures.

ACTIONS REQUESTED

Motion to approve the attached Resolution 2016-29, Defining the Scope of the Lake Effect Project.

Motion to approve the proposals from Braun Intertec and Civitas to provide consultant services for drafting the Environmental Assessment Worksheet.

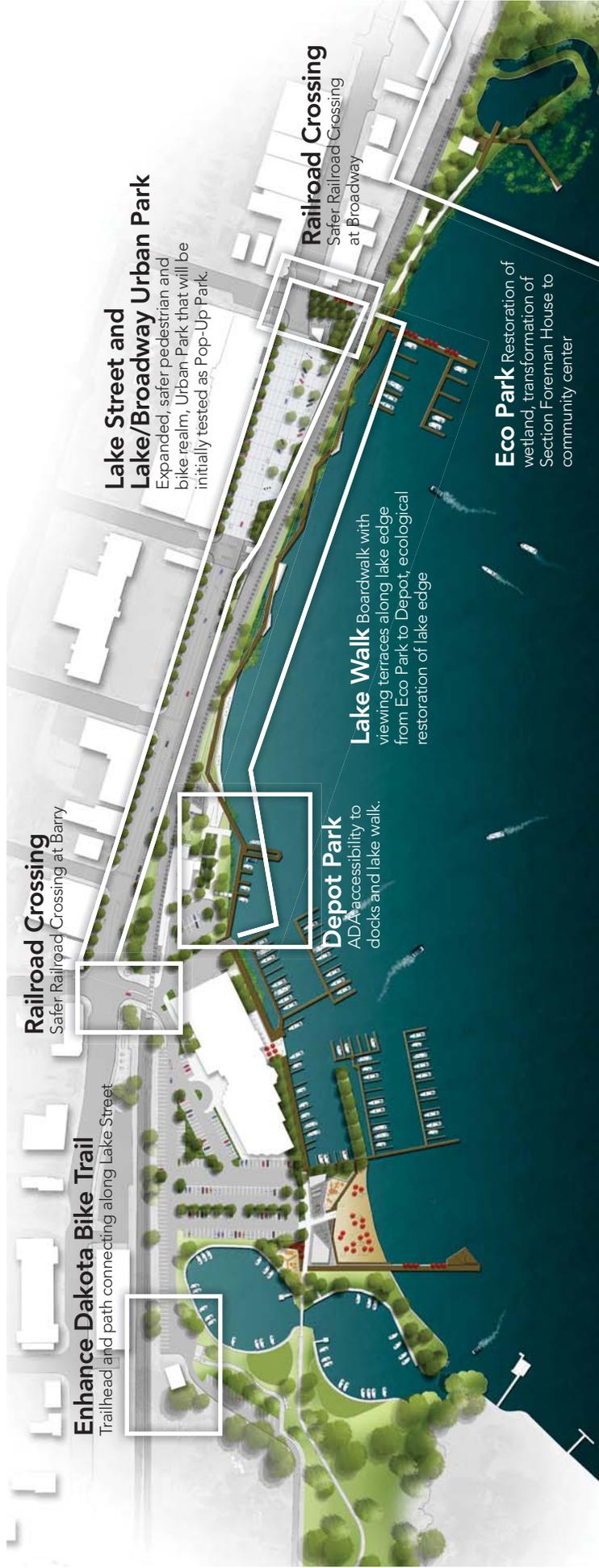
Motion to approve the proposal from ETM to provide consultant services for a Maintenance and Operations review.

Motion to approve the proposal from Civitas to provide design services.

Motion to approve the attached draft agreement between the City of Wayzata and the Lake Effect Conservancy to Financially Support and Advocate for the Lake Effect Project.

LAKE EFFECT: SIGNATURE PARK PROJECT

RECOMMENDED PARK SCOPE AND PHASING



Recommended Park Scope and Phasing

Council directed implementation plan of Lake Effect Park components:

Transforming the Lake Edge

Build Lake Edge improvements from "Eco Park" to the Depot, including the boardwalk with improved connections to the Depot and Boat Works, two enhanced railroad crossings and the transformation of the Broadway parking lot into an Urban Park (contingent upon Council approval of the Mill Street Parking Ramp).

This step is most eligible for private funding with public agency funding support related to rail safety, storm water management/water quality improvement, lake edge/wetland restoration and historic preservation of Section Foreman House.

Pop-Up Park

Per Council approval of the Mill Street Parking Ramp, design and construct a temporary or Pop-Up park, and schedule varying programming ideas, at the existing Broadway parking lot to test the community use preferences of the space.

This step will inform the final design of the Urban Park referenced in Transforming the Lake Edge and is most eligible for private funding.

Enhancing Lake Street

Redesign and build Lake Street to be more pedestrian/bike friendly with a new road, enhanced streetscape and safer, protected bike path connecting to the Dakota Trailhead.

This project is primarily road, curb and sidewalk/path construction and would be eligible for public funds that augment what is spelled out in the City's CIP. The bike trailhead and path is eligible for public agency partner funding.



LAKE EFFECT
WAYZATA

CITY OF WAYZATA

RESOLUTION NO. 29-2016

A RESOLUTION DEFINING THE SCOPE OF THE LAKE EFFECT PROJECT AND NEXT STEPS

WHEREAS, Lake Minnetonka is one of Wayzata’s most important community assets; and

WHEREAS, the Wayzata City Council appointed a Lakefront Taskforce in February of 2011 to research and provide a recommendation for the future of the City’s lakefront; and

WHEREAS, the Wayzata City Council adopted the Report of the Wayzata Lakefront Taskforce in January of 2012 via Resolution 06-2012; and

WHEREAS, the Wayzata City Council adopted the Wayzata Lakefront Final Framework Report on March 18, 2014 by Resolution 09-2014; and

WHEREAS, the Wayzata City Council and staff conducted a Request for Proposal (RFP) process for the selection of a design team for the Lake Effect Signature Park schematic design (the “Lake Effect Signature Park”); and

WHEREAS, the Wayzata City Council, through the RFP process, selected Civitas and their team of sub-consultants to serve as the Design Team in September of 2015; and

WHEREAS, the Wayzata City Council established a Steering Committee and Technical Committee to assist with the schematic design of the Lake Effect Signature Park; and

WHEREAS, feedback on the schematic design of the Lake Effect Signature Park was gathered from the Steering Committee and Technical Committee, through meetings on November 9, 2016, December 8, 2015, January 12, 2016, January 26, 2016, and February 23, 2016; and

WHEREAS, the schematic design of the Lake Effect Signature Park included community meetings on November 9, 2016, January 12, 2016, and February 23, 2016; and

WHEREAS, the City of Wayzata utilized the following platforms for public communications: City’s website, Wayzata Lake Effect website, E-Newsletter, Facebook, Twitter, direct mailings to all Wayzata mailing addresses, utility bill inserts, Wayzata *Portal*, Friday Updates, Ask the Mayor, Wayzata Community Television, calendar alerts, media placements, and press releases; and

WHEREAS, the City Council approved in concept the Lake Effect Conservancy structure, mission, role, and partnership agreement philosophy on December 15, 2016; and

WHEREAS, Civitas delivered the Schematic Design Book (the “Schematic Design Book”) for the Lake Effect Signature Park to the City Council on April 19, 2016; and

WHEREAS, the City Council held a Public Forum at a regular meeting on April 19, 2016 to allow members of the public to provide feedback on the Schematic Design Book;

WHEREAS, the City Council approved a Resolution 13-2016 Acknowledging the Delivery of the Schematic Design Book for the Lake Effect Signature Park Project and authorized City Staff to explore implementation of the schematic design and recommendations (“Design and Recommendations”), under close guidance and direction of the City Council and with continued public engagement, which will establish which components of the Design and Recommendations to pursue, in what sequence, and in what priority, based on needs and feasibility; and initiate creating the legal organizational structure of the Lake Effect Conservancy, chartered to raise the prerequisite private and public funding to finance the individual elements, and negotiation of the City of Wayzata/Lake Effect Conservancy Public/Private Partnership Agreement; and

WHEREAS, the City Council held a workshop open to the public on June 21 to discuss the agreement between the Conservancy and the City as well on July 5 and July 25 to discuss a defined scope of the Lake Effect Project; and

NOW, THEREFORE BE IT RESOLVED, that the Wayzata City Council defines the Lake Effect Project with the following components identified also on Exhibit A:

- **Transforming the Lake Edge**
Build Lake Edge improvements from “Eco Park” to the Depot, including the boardwalk with improved connections to the Depot and Boat Works, two enhanced railroad crossings and the transformation of the Lake/Broadway parking lot into an urban park contingent upon Council approval of the Mill Street Parking Ramp.
- **Pop-Up Park**
If the Council approves the building of the Mill Street Parking Ramp, design and construct a temporary or Pop-Up park, and schedule varying programming ideas, at the existing Lake/Broadway parking lot to test the community use preferences of the space. This step will inform the final design of the urban park referenced in Transforming the Lake Edge and is most eligible for private funding.
- **Enhancing Lake Street**
Redesign and build Lake Street to be more pedestrian/bike friendly with a new road, enhanced streetscape and safer, protected bike path connecting to the Dakota Trail; and

BE IT FURTHER RESOLVED, that these components would only be initiated if funding for capital costs and maintenance and operation costs have been secured; and

BE IT FURTHER RESOLVED, that the beach and “Boat Works” improvements as a part of the Schematic Design have not been recommended for implementation as a part of this defined scope but could be added in a future phase; and

BE IT FURTHER RESOLVED, the modified marina, expanded parking lot and proposed new railroad crossing at Walker Street have not been recommended for implementation in any future phase based on community input and permitting effort required; and

BE IT FURTHER RESOLVED, that the Wayzata City Council authorizes City Staff to proceed with its consultants to complete the following tasks:

- Complete nine-month Environmental Assessment Worksheet
- Commission and evaluate survey and detailed site conditions
- Evaluate opportunities to re-use, retrofit, replace site components
- Develop design character – architecture, materials, details
- Review functionality and connectivity
- Send out package for refined costs and phasing; and

BE IT FINALLY RESOLVED, that the Wayzata City Council along with City Staff will provide public updates of the design process and allow public feedback prior to implementing any of the components identified in the defined scope of the Lake Effect Park.

Adopted by the Wayzata City Council this 3rd day of August, 2016.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution Adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on August 3, 2016.

Becky Malone, Deputy City Clerk

SEAL

April 18, 2016

Quote QTB037178

DRAFT- SUBJECT TO CHANGE

Mr. Jeff Thomson
Director of Planning and Building
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Re: Proposal to Prepare Environmental Assessment Worksheet (EAW)
Proposed Wayzata Lake Effect Project
Wayzata, Minnesota

Dear Mr. Thomson:

Braun Intertec Corporation (Braun Intertec) is pleased to present this proposal to provide environmental consulting services related to the preparation of an Environmental Assessment Worksheet (EAW) for the proposed Wayzata Lake Effect project in Wayzata, Minnesota. We are pleased to offer our continued professional services to the City of Wayzata (City) for this important project, and we look forward to working with you on the project.

This proposal describes below our project understanding, our scope of services, estimated cost, and general schedule.

Project Understanding

Based on the information reviewed, we understand that the City of Wayzata is planning to design and reconstruct an area of lakeshore in downtown Wayzata. We understand that the design plans for a construction of a Lake Walk, an Eco Park, viewing platform and terrace, fishing piers, boat docks, parking area, shoreline modifications, demolition and/or reconstruction of up to three small buildings, possible reconfiguration of the marina, and possibly other design tasks.

We also understand that the development group has been meeting with the City in order to further develop project plans that at this time are somewhat conceptual in nature.

For the purposes of scoping the EAW, we understand that the City will be the Responsible Governmental Unit (RGU) for oversight and processing of the EAW, and that no federal-level environmental review will be required due to an absence of federal funding and federal permits.

Project Work Plan

The work plan that will lead to the desired outcomes will be to collect, evaluate and draft information required for the EAW in accordance with the rules and intent of the guidelines set forth by the Minnesota Environmental Quality Board (MN Rules Part 4410.0200 to 4410.7500). To successfully complete this work, we will perform, at a minimum, the following tasks:

Task 1: Project Definition - This task includes obtaining from the City (and/or the Project Team) the relevant details of the proposed project, including such information as project purpose, project

AA/EOE

boundaries, site plan, project timing, general construction activities, related infrastructure improvements, projected water and wastewater use, waste generation, heating systems, permanent stormwater runoff routing and treatment, boring logs, location and nature of contaminated soil or groundwater, architectural renderings, and phased or connected actions. This information is necessary to adequately characterize the proposed project and is the foundation on which the environmental review evaluation is performed. It is important to note that should significant design changes be made after the EAW is underway or completed, the changes can render the EAW invalid and thus incur delays and additional cost. If the final concept design has not been completed at the time of our work, we will assist you to develop bounding parameters that will allow some design flexibility yet allow us to complete a valid EAW. We plan to have discussions with others on the City and Project Team (as necessary) at the beginning of this task to facilitate this discussion and obtain or develop this critical information.

The Project Team needs to develop and define project actions in sufficient detail so that the environmental impacts may be evaluated. While alternative actions may be included in the Project definition, each alternative needs to be detailed enough to provide the technical basis for impact evaluation. Examples of details needed include (but are not limited to) all clearing, grading and excavation activities, the location, footprint and foundation types of all structures, the location and type of all infrastructure improvements needed for the project, the nature, scope and scale of all retail and City facilities at the project, and the proposed timeframes and mean and methods of all construction and demolition activities.

As an EAW is functionally prelude to permitting, we also strongly suggest that a joint meeting be held with all relevant environmental regulators to solicit their concerns and thus be able to incorporate their concerns (and possible information collection needs) into the Project design.

With the scope and design details not yet fleshed out, the breadth and scope of project-specific studies that will be needed for preparation of the EAW are not yet known. Two studies that are anticipated include wetland delineation(s) and a prehistoric and historic cultural resources evaluation. Other file studies that may be needed will become known through the discussions with environmental regulators described above. We assume that, if required by the City or environmental regulatory agencies, these studies will be performed by others under contract to the City or Project Team, and results of the studies will be provided to Braun Intertec for inclusion in the EAW.

After the project has been appropriately defined, Braun Intertec will compare project thresholds to existing mandatory EAW thresholds within the rules of the Minnesota Environmental Quality Board to determine which mandatory EAW thresholds have been exceeded.

Task 2: Data Collection - The EAW process will include the collection of existing information related to the natural and human environmental in which the proposed action will take place, as well as project information that is yet to be generated by others. As a part of this task, we will collect existing information on a variety of topics, including:

- Wetlands and water resources
- Fisheries resources
- Wildlife and ecologically sensitive resources

- Soil conditions
- Groundwater
- Prior land use (potential for contamination)
- Historical and/or archaeological resources
- Present zoning/land use plans
- Traffic impacts
- Air emissions
- Local surface water quality
- Land cover types
- Potable water capacity
- Wastewater capacity
- Potential geologic hazards
- Local recreational facilities
- Permits and approvals needed

Collection of this detailed information is necessary to provide the physical and socioeconomic framework on which potential environmental impacts are evaluated.

This task will also involve formal written consultation with the MN DNR, the US Fish and Wildlife Service, and the MN State Historical Preservation Office to request review of their data files for relevant environmental information for inclusion into the environmental evaluation of the EAW.

Task 3: Evaluation of Potential Environmental Impacts - The heart of the EAW, this task will involve evaluating the reasonably predictable environmental impacts of the proposed project to the natural and human environments. The content of the EAW, as specified by the Minnesota Environmental Quality Board, is to respond to a series of 20 questions that are intended to elicit facts and evaluation of whether or not the proposed project will have predictable environmental impacts. While some of the 20 questions are primarily descriptive (e.g. project title, project proposer, reason for EAW preparation, etc.), others will require substantive discussion describing potential environmental impacts. The general nature of these questions and topics are listed below:

- Land use conflicts
- Impacts to fish, wildlife and ecologically sensitive resources
- Impacts to water resources
- Impacts to potable water resources
- Impacts to water-related land management districts
- Erosion and sedimentation impacts
- Surface water runoff impacts
- Impacts from generated wastewater
- Impacts from soil or ground water contamination
- Impacts from underlying soils
- Impacts from solid and hazardous waste
- Impacts from petroleum storage
- Impacts from traffic
- Air impacts from vehicles

- Air impacts from heating systems
- Impacts from odors, noise and dust
- Impacts to local historic resources
- Impacts to local parks
- Visual impacts
- Impacts on land use planning
- Impacts from infrastructure and public services
- Impacts from nearby induced development

Predictable impacts to the topics listed above will vary in significance and complexity. We can reasonably predict that the most significant predictable impacts on the natural environment will be in the areas of potential aquatic impacts to Lake Minnetonka and wetlands. Our recommendation in Task 1 above to solicit environmental concerns from the environmental regulators early on in the EAW process will help to identify their specific concerns and make sure that there is a proper evaluation of the potential impacts in the EAW discussion.

As part of this task, we will use the physical and human information collected in Task 2 to evaluate the environmental impacts in each of the topics listed above.

Task 4: EAW Preparation - We will use the collected information and evaluations described above to create a written working draft of the EAW including relevant maps, tables, and figures. Upon completion of our working draft, we will submit the draft to the City for its evaluation and further processing. The City has the obligation to evaluate the completeness of the information and identification of potential environmental impacts in the EAW, and to adopt the EAW as their own work product. As the judgment of completeness is somewhat subjective, it is possible that after initial review the City will request additional information or clarification of specific items contained in the draft EAW. We will work with the City to assemble and submit any such information requested, but this proposal assumes that such requests will be minimal.

Task 5: Public Comment/Response to Comments - Once the City has judged that the EAW information and evaluation is complete, the City will adopt it and notify the Environmental Quality Board (EQB) that the EAW is available for public comment. This 30-day public comment period will begin once the EQB publishes the notice in its weekly publication (the Environmental Monitor). During this time, the City is also required to distribute copies of the EAW to a standard distribution list (government agencies), and to make the EAW available to the public. We assume that the City will be responsible for all public notices and Braun Intertec will be responsible for making and distributing copies of the EAW to the mandatory EAW distribution list.

The City has indicated that it would sponsor a project open house during the 30-day public comment period to discuss the proposed project with the community and solicit comments. Braun Intertec will help plan the open house, introduce the project at the open house, and along with City staff and Project Team members and their relevant specialty subcontractors, facilitate discussion and collection of comments. We assume that other relevant Project Team members will attend the open house in order to discuss relevant details with the community attendees. Braun Intertec will collect the comments, provide summaries of the comments, coordinate distribution of the comments to Project Team members for response, collect the responses, and forward to the City for review and comment.

At the end of the 30-day public comment period, the City must provide written responses to all who submit substantive written comments. We anticipate there will be written comments outside of those collected at the open house, and Braun Intertec will be responsible for coordination and routing of comments to appropriate project team members for responses, gathering the response information, and providing written responses for the City's review and comment. Most comments are anticipated to be clarifying in nature, and we here assume that no new data collection or substantive analyses will be required.

Task 6: City Decision on EAW - Once the City has completed Task 5, the final step in the EAW process is City review and approval of the Findings of Fact and Record of Decision (FOF/ROD). This approval must be done at a public meeting, where the City must review a FOF/ROD and either make a negative declaration [no Environmental Impact Statement (EIS) preparation warranted] or a positive declaration [EIS preparation warranted] based on whether or not the City feels there are significant environmental impacts from the proposed action. Braun Intertec will prepare a draft FOF/ROD for review by the City prior to the public meeting. For the purposes of this proposal, we assume that the outcome of the EAW process will result in a negative declaration for the proposed project such that no EIS preparation is warranted.

We plan to have an appropriate representative of Braun Intertec at the public meeting for the decision on the EAW by the City in order to answer any questions from the City or the public regarding our work. Prior to the meeting, we will prepare selected relevant maps and graphics (as necessary) for conveying the substance of our work at the meeting.

As RGU for the project, the City is also responsible for sending a copy of the FOF/ROD to all parties on the EAW mandatory distribution list, as well as to commenters on the EAW. Braun Intertec will be responsible for distribution of this information.

Project Schedule

Our proposed project schedule is discussed below.

Task 1: Project Definition - The duration of this task will be primarily a function of the development of relatively complete design plans for the proposed project. Once the design plans are relatively firm, we estimate that this task will be completed within 2 weeks of that time, subject to the availability of the City and project team members to discuss the plans. Scheduled completion of this task will be subject primarily to the Project Team completing the proposed design to a level that will allow us to proceed with our work. The Braun Intertec project team will make itself available for up to two meetings and telephone discussions to complete this task.

Task 2: Data Collection - We will initiate contact with the governmental agencies (e.g., MN DNR, the US Fish and Wildlife Service, and the MN State Historical Preservation Office) as soon as possible after completion of the definition of the project in Task 1 in order to minimize the time necessary to complete this task. We estimate that this task will be completed within 4 weeks from the completion of Task 1, subject to the cooperation of the multiple governmental agencies from whom we will be

soliciting information and data as well as timely receipt of relevant specific project data from other Project Team members.

Task 3: Evaluation of Potential Environmental Impacts - Our evaluations of the respective environmental impacts will begin shortly after we begin receiving relevant information for a given topic. We estimate that this task will be completed within 2 weeks of the completion of Task 2.

Task 4: EAW Preparation - Our compilation of the draft EAW will begin as soon as each task in Task 3 above is completed. We estimate that completion of the draft EAW for review by the Project Team will be completed within 2 weeks of the completion of Task 3. We then will plan for a 2-week review by City staff, and 1 week for making any modifications requested by the City. Therefore, we anticipate that completion of all activities within this task will total approximately 5 weeks.

Task 5: Public Comment/Response to Comments – Formal adoption of the EAW by the City is expected to take from 1 to 3 weeks, and submittal and publication of the EAW summary in the Environmental Monitor will occur within 1 week of City approval. The public comment period runs for 30 days, after which the City will respond to relevant public comments, with which we plan to assist the City. We anticipate that completion of all activities within this task will total approximately 7 to 9 weeks.

Task 6: City Decision on EAW - This task is assumed to occur at a single meeting of the City. We estimate that this task will be completed within 2 weeks from the close of the public comment period subject to scheduling of the meeting by the City.

Costs

We will furnish the services described herein on an hourly and unit cost basis. Based on our current understanding of the site conditions and the assumptions stated in this proposal, we project the total cost to perform the Scope of Services will be approximately \$24,750. Although the actual cost may be more or less than the estimated cost, the estimated cost will not be exceeded by more than ten percent without additional authorization from you.

The estimated cost breakdown by task is listed below:

Task 1: Project Definition	\$4,750
Task 2: Data Collection	\$2,600
Task 3: Evaluation of Potential Environmental Impacts	\$4,700
Task 4: EAW Preparation	\$5,050
Task 5: Public Comment/Response to Comments	\$4,900
Task 6: City Decision on EAW	\$2,750
Total Estimated Cost	\$24,750

The cost estimates presented in this proposal are based on the assumption the proposal will be authorized within 30 days, and the project will be completed generally within the proposed schedule. If the project is not authorized within 30 days, we reserve the right to resubmit the cost estimate. If the project cannot be completed within the proposed schedule due to circumstances beyond our control, we reserve the right to resubmit cost estimates for completion of tasks remaining.

If Braun Intertec is authorized to provide these services, we will invoice you on a monthly basis for the services performed under this proposed contract. Payment for services is due upon receipt of invoice with interest added to unpaid balances according to the attached General Conditions, which are a part of this contract.

Prohibition on Governmental Actions

Please note that Minnesota law requires that when environmental review is being conducted, a project may not proceed and permits authorizing the project may not be issued. One of the key purposes of environmental review is to provide information about potential environmental effects and how to avoid or minimize those effects to each of the governmental units which will approve or conduct the project. For this information to have utility, the governmental units must have the information in mind when they take their actions about the project. To issue permits or approvals before the information is available undermines the very purpose of the review. That is the reason why all decisions approving the project (or parts of the project) are prohibited until the review has been completed.

The statute and rule prohibit “final decisions” granting permits or other approvals. In this context, “final” means “not to be altered or undone,” rather than “last.” Any discretionary step in an approval process that conveys rights to the proposer and is not subject to further review or change is a final decision. Examples include preliminary plat approvals, which convey development rights under Minnesota law, as well as final plat approvals and conditional use permits. It may also include zoning or rezoning decisions if associated with a specific project or concept plan approvals if development rights are conveyed under applicable ordinances. Permits and approvals include virtually any discretionary action by a government unit to entitle or assist a particular project to proceed, including financial subsidies or other assistance (see definition of permit, MN Rules Part 4410.0200, subpart 58, which is a very broad definition).

Proposal Assumptions

Requirements for new data collection and related field work are often only known after the EAW process is under way. For the purposes of this proposal, it is our assumption that any relevant natural resources field work (e.g., biological surveys, archaeological surveys or evaluations, surface water or air quality modeling, noise surveys, etc.) will not be required or will be performed by others and is therefore outside the present Braun Intertec scope of services. Should any other unanticipated work become warranted, we will contact you immediately and discuss how you wish to proceed.

Also, we here assume that there are no federal environmental review triggers (e.g. federal approvals, permits or funding) that would require preparation of any federal-level environmental review documents, including Categorical Exclusion or Environmental Assessment documents. Should any

federal-level environmental review documentation become needed, we will contact City staff immediately upon our becoming aware of it to discuss how we wish to proceed.

Using our experience and the information currently known to us, the effort described above is judged to be that necessary to prepare a concisely-written but complete draft EAW that meets the letter and intent of the EQB rules. As the City ultimately makes a somewhat subjective decision on completeness, we cannot here anticipate all of their specific concerns, nor the concerns of other stakeholders in the process. As such, the details of the scope of our work will become clearer only as the EAW process unfolds. Should additional effort become necessary due to external concerns and/or requests, we will discuss this with you prior to undertaking such additional effort.

General

We appreciate the opportunity to present this proposal and look forward to working with you on this important project. If there are questions regarding this proposal, please call Doug Bergstrom at 651.487.7030.

Sincerely,
BRAUN INTERTEC CORPORATION

Jennifer B. Wolff, PG
Senior Scientist

Douglas J. Bergstrom, PG, CHMM
Principal Scientist

Attachment:
General Conditions (9-01-13)

Authorization to Proceed:

Please proceed according to the described scope of services and the attached General Conditions:

Authorizer's Firm

Authorizer's Name (please print or type)

Authorizer's Signature

Authorizer's Title

Date

May 10, 2016

Proposal QTB037101

Mr. Jeffrey R. Thomson
Director of Planning and Building
City of Wayzata
600 Rice Street E
Wayzata, MN 55391

Re: Proposal for Environmental Consulting Services
Wayzata Lake Effect Proposed Project
Lake Effect Signature Park
Wayzata, Minnesota

Dear Mr. Thomson:

Braun Intertec Corporation is pleased to present this proposal to conduct a Phase I Environmental Site Assessment (ESA) and pre-renovation hazardous building materials inspection of the referenced site.

Phase I ESA

Site History Review

The Phase I ESA will summarize reasonably ascertainable information pertaining to former and current land-use activities at the Site. Our summary will include a review of aerial photographs, fire insurance atlases, city directories, property tax files, building records, topographic maps, and/or other historical documents to satisfy the historical-use requirements of the ASTM Practice E 1527-13 and 40 CFR Part 312.

Regulatory Information Review

We will request that a national regulatory information vendor, such as Environmental Data Resources, Inc., conduct a limited file evaluation of the site. If readily available and practically reviewable, the file evaluation will include, at a minimum, a review of the following databases within the corresponding approximate minimum search distance indicated in the ASTM Practice E 1527-13 and 40 CFR Part 312:

- Federal National Priorities List (NPL)
- Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)
- Federal Institutional and Engineering Controls
- Federal Resource Conservation and Recovery Act (RCRA) Transport, Storage and Disposal (TSD) facilities
- Federal RCRA TSD facilities that have received RCRA corrective action activities
- Federal RCRA generators
- Federal Emergency Response Notification (ERNS) sites
- State NPL and CERCLIS equivalents
- State landfill and/or solid waste disposal sites

AA/EOE

- State Voluntary cleanup programs
- State leaking underground and aboveground storage tank (LUST/LAST) sites
- State registered underground and aboveground storage tank (UST/AST) sites
- State Brownfield programs
- State Institutional and Engineering Controls
- State spills list
- Environmental Liens

We will review and summarize this information, and comment on known and potential environmental hazards that may impact the site. Based on a preliminary review of information, it appears that there are four identified facilities along the Site that may have detailed files at the Minnesota Pollution Control Agency (MPCA). This scope of work includes ordering and reviewing those specific project files and including the information in the final Phase I ESA report.

The scope of work does not include a detailed review of MPCA file information of identified facilities listed on the regulatory databases outside of the Site. However, if in our opinion a file review of an off-site facility is warranted to evaluate the existence of a recognized environmental condition, historical recognized environmental condition, controlled recognized environmental condition, or a *de minimis* condition, we will contact you to discuss expanding the assessment to include additional file reviews and the associated costs.

Site Reconnaissance and Interviews

The Phase I ESA will include a reconnaissance of the site. During the reconnaissance we will note, if observed, the type of vegetation, exposed soils, open excavations or depressions, and site topography. Visible indications of underground and aboveground storage tanks, dumping, spills of petroleum and chemicals, and other obvious potential sources of contamination will be noted. In addition, we will conduct interviews with site representatives and governmental officials regarding past and current land-use activities.

Results and Reporting

A draft Phase I ESA report will be sent to you for review and comment. The Phase I ESA report will remain in draft status until we are notified by you to proceed with issuance of the final Phase I ESA report.

If we encounter indications of existing or potential sources of contamination during our assessment, we will notify you to discuss how the assessment may proceed. You may wish to discontinue the Phase I ESA or you may consider expanding the assessment to further evaluate the contamination sources that are identified. If contamination at the site is confirmed, the property owner may be required to notify proper governmental authorities.

User-Provided Information

As part of Phase I ESA, the "User" should provide available information to Braun Intertec as the Environmental Professional to help identify the possibility of recognized environmental conditions in connection with the Site. A "User" is the party seeking to use ASTM Practice E 1527-13 to complete an environmental site assessment and may include, without limitation, a potential purchaser, tenant or owner of the property, a lender, or a property manager.

The attached User questionnaire should be completed in its entirety by the User(s) and returned with the signed authorization. If multiple Users are requesting reliance on the Phase I ESA, please provide us with a questionnaire completed by each of the appropriate entities.

Assessment Limitations

Upon completion of the Phase I ESA, Braun Intertec does not guarantee qualification for Landowner Liability Protections (LLP). Our proposed scope of work is consistent with “good commercial and customary practices” (as defined by ASTM Practice E 1527-13) conducted in an effort to evaluate recognized environmental conditions at a site in this area.

The assessment will not include vapor encroachment screening as defined in ASTM Practice E2600-10, *Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions*. ASTM Practice E2600-10 is not a requirement or component of AAI, and its results are not determinative of whether hazardous substances from a release are or may be present at the property for the sake of AAI or ASTM E1527-13. However, vapors present or likely present from hazardous substances or petroleum products will be considered no differently than hazardous substances or petroleum products present or likely present as a result of a release to the environment. Therefore, while a vapor encroachment screening per the ASTM Practice E2600-10 standard will not be conducted as part of this proposal, the potential for impacts to the property from vapor migration that is a result of a release of hazardous substances and/or petroleum products to the environment will be considered when assessing for the presence of a recognized environmental condition as defined by ASTM E1527-13.

Pre-Renovation Hazardous Building Materials Inspection

We propose to conduct a pre-renovation hazardous building materials inspection of the three (3) structures located at 220 Grove Lane, and 402 and 738 Lake Street East in Wayzata, MN. The goal of the inspection will be to identify potentially hazardous building materials that require separate handling and/or disposal prior to planned renovation of the structures listed above.

Our representatives will perform the following services:

- Review available documentation provided by current owner with regard to asbestos-containing materials (ACM), lead, poly-chlorinated biphenyls (PCB), mercury, and other miscellaneous hazardous material. Existing sample data provided by current owner will be utilized where possible to determine the presence or absence of ACM.
- Visually examine accessible areas and identify the locations of suspect ACM, lead, PCBs, mercury, and other miscellaneous hazardous materials.
- Collect and analyze representative bulk samples of materials suspected of containing asbestos. Examples of materials to be collected for analysis include, but are not limited to: floor tile, linoleum flooring, wall and ceiling plaster, suspended and acoustical ceiling tile, sheetrock, thermal system insulation, textured ceiling material and fireproofing.

- Conduct limited lead-based paint testing (LBP) of various building components that may be impacted by future renovation projects. The various painted surfaces suspected of containing lead will be tested using a Niton X-ray fluorescence (XRF) spectrum analyzer. The Niton is a portable, non-destructive, in-situ test and measurement instrument. The scope of the limited lead-based testing is intended to be used to aid the contractor in developing the project budget and worker safety requirements for OSHA and US EPA Renovation, Repair and Painting Program Rule (RRP) compliance.
- Assign a hazard rating based on asbestos content with respect to the materials condition, friability, accessibility, and hazard potential.
- Document the various materials current conditions and quantities of ACM.
- Generate a final report, documenting the sample locations, analysis results, conditions, and ACM quantities.

The Braun Intertec personnel conducting the inspection are fully accredited building inspectors, in accordance with state and federal regulations. Asbestos analysis will be performed by a laboratory that is accredited for polarized light microscopy (PLM) asbestos bulk sample analysis by the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program.

Limitations

In any building, the potential exists for asbestos or other hazardous materials to be located inside walls, above ceilings, under floors, buried underground, and other inaccessible areas. This inspection will attempt to identify asbestos and other hazardous materials in these inaccessible areas. However, it is not feasible to inspect 100 percent of these areas. Therefore, Braun Intertec cannot be held responsible for the presence of any such hidden materials.

The renovation contractor and other contractors involved in the project should be made aware of the potential for asbestos or other hazardous materials to be located in inaccessible areas. If previously unidentified suspect asbestos or other hazardous materials are exposed during their activities they should be sampled and analyzed for content prior to any disturbance.

In performing its services, Braun Intertec will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession currently practicing in the same locality. No warranty, express or implied, is made.

Cost

The lump-sum cost for the tasks described in this proposal is as follows:

<u>Service Description</u>	<u>Lump Sum Cost</u>
Phase I Environmental Site Assessment	\$ 3,500
Hazmat Building Materials Inspections	\$ 3,500
Grand Total:	\$ 7,000

Schedule

We anticipate the draft Phase I ESA report will be completed within five to six weeks from the date of your written authorization. The timing of the Phase I ESA will be partially dependent on receiving the information from the MPCA on the sites with potential files. Typically, it takes two to three weeks to receive access to the files at the MPCA, and an additional two weeks to receive copies of the file information, if requested. The Phase I ESA report will remain in draft status until we are notified by you to proceed with issuance of the final Phase I ESA report.

The hazardous building materials inspection will require 3-5 working days advance notice to schedule the proposed scope of work. It is our understanding that the current owner will be responsible for scheduling the Site visit during normal business hours of 7:00 a.m. to 5:00 p.m. Monday through Friday. Our proposal also assumes that the on-Site inspection work will be completed in 1-2 working days. Laboratory turnaround time for the specified asbestos sample analysis is 5-8 working days. Upon receipt of the laboratory reports, our final written report will be submitted to you within 5-7 working days thereafter. Preliminary verbal results will be provided to you if requested.

If our proposed scope of services cannot be completed according to this schedule due to circumstances beyond our control, we may need to revise this proposal prior to completing the remaining tasks.

General Remarks

Braun Intertec appreciates the opportunity to present this proposal to you. It is being sent in an electronic version **only**. A hard copy of the proposal will be supplied upon request. ***Please return a signed copy of the proposal, the completed User Questionnaire, and the completed Client Information Request Form, in their entirety.***

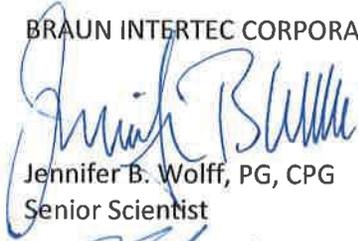
The proposed fee is based on the scope of services described and the assumption that our services will be authorized within 30 days and that others will not delay us beyond our proposed schedule.

We include the Braun Intertec General Conditions, which provide additional terms and are a part of our agreement.

We appreciate the opportunity to provide professional services for you on this project. If you have questions regarding the contents of this proposal, please call Jennifer Wolff at 952.995.2454 or Rob Nordby at 952.995.2424.

Sincerely,

BRAUN INTERTEC CORPORATION



Jennifer B. Wolff, PG, CPG
Senior Scientist



Kenneth A. Larsen, PG, PE
Principal - Principal Engineer

Attachments:

- General Conditions – Phase I Assessments (9/1/13)
- Client Information Request Form
- ASTM Practice E 1527-13 User questionnaire

The proposal is accepted, and you are authorized to proceed.

Authorizer's Firm

Authorizer's Signature

Authorizer's Name (please print or type)

Authorizer's Title

Date

General Conditions

Phase I Environmental Site Assessments and Related Services

Section 1: Our Agreement

1.1 Our agreement ("Agreement") with you consists of these General Conditions and the accompanying written proposal or authorization. This Agreement is our entire agreement. It supersedes prior agreements. It may be modified only in a writing signed by us, making specific reference to the provision modified.

1.2 The words "you," "we," "us," and "our" include officers, employees, and subcontractors.

1.3 In the event you use a purchase order or other form to authorize our services, any conflicting or additional terms are not part of our Agreement. Directing us to start work prior to execution of this Agreement constitutes your acceptance. If, however, mutually acceptable terms cannot be established, we have the right to withdraw our proposal without liability to you or others, and you will compensate us for services already rendered.

Section 2: Our Responsibilities

2.1 We will provide the services specifically described in our Agreement with you. You agree that we are not responsible for services that are not fairly included in our specific undertaking. Unless otherwise agreed in writing, our findings will be written, and you may not rely on oral statements.

2.2 In performing our professional services, we will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of our profession practicing in the same locality. If you direct us to deviate from our recommended procedures, you agree to hold us harmless from claims, damages, and expenses arising out of your direction.

2.3 We will reference our field observations and sampling to available reference points, but we will not survey, set, or check the accuracy of those points unless we accept that duty in writing. Locations of field observations or sampling described in our report or shown on our sketches are based on information provided by others or estimates made by our personnel. You agree that such dimensions, depths, or elevations are approximations unless specifically stated otherwise in the report. You accept the inherent risk that samples or observations may not be representative of things not sampled or seen

and, further, that site conditions may change over time.

2.4 You will provide, at no cost to us, appropriate site safety measures as to work areas to be observed or inspected by us. Our employees are authorized by you to refuse to work under conditions that may be unsafe.

2.5 Estimates of our fees or other project costs will be based on information available to us and on our experience and knowledge. They may not reflect current market conditions. Such estimates are an exercise of our professional judgment and are not guaranteed or warranted. You should allow a contingency in addition to estimated costs.

Section 3: Your Responsibilities

3.1 You will provide access to the site.

3.2 You agree to provide us with information in your possession or control relating to contamination at the work site.

3.3 Neither this Agreement nor the providing of services will operate to make us an owner, operator, generator, transporter, treater, storer, or a disposal facility within the meaning of the Resource Conservation Recovery Act, as amended, or within the meaning of any other law governing the handling, treatment, storage, or disposal of hazardous materials. You agree to hold us harmless and indemnify us from any such claim or loss.

3.4 You agree to make disclosures required by law. In the event you do not own the site, you acknowledge that it is your duty to inform the owner of the discovery or release of contaminants at the site. You agree to hold us harmless and indemnify us from claims related to disclosures made by us that are required by law and from claims related to the informing or failure to inform the site owner of the discovery of contaminants.

Section 4: Reports and Records

4.1 Unless you request otherwise, we will provide our report in an electronic format.

4.2 Our reports, notes, calculations, and other documents and our computer software and data are instruments of our service to you, and they remain our property but are subject to a license to you for your use in the related project for the purposes disclosed to us. You may not transfer our reports to

others or use them for a purpose for which they were not prepared without our written approval. You agree to indemnify and hold us harmless from claims, damages, losses, and expenses, including attorney fees, arising out of such a transfer or use. At your request, we will provide endorsements of our reports or letters of reliance, but only if the recipients agree to be bound by the terms of our Agreement with you and only if we are paid the administrative fee stated in our then current Schedule of Charges.

4.3 Because electronic documents may be modified intentionally or inadvertently, you agree that we will not be liable for damages resulting from change in an electronic document occurring after we transmit it to you.

4.4 If you do not pay for our services in full as agreed, we may retain work not yet delivered to you and you agree to return to us all of our work that is in your possession or under your control.

4.5 Electronic data, reports, photographs, samples and other materials provided by you or others may be discarded or returned to you, at our discretion, unless within 15 days of the report date you give us written direction to store or transfer the materials at your expense.

Section 5: Compensation

5.1 You will pay for services as agreed upon or according to our then current Schedule of Charges if there is no other written agreement as to price. An estimated cost is not a firm figure. You agree to pay all sales taxes and other taxes based on your payment of our compensation. Our performance is subject to credit approval and payment of any specified retainer.

5.2 You will notify us of billing disputes within 15 days. You will pay undisputed portions of invoices on receipt. You agree to pay interest on unpaid balances beginning 30 days after invoice dates at the rate of 1.5% per month, or at the maximum rate allowed by law.

5.3 If you direct us to invoice another, we will do so, but you agree to be responsible for our compensation unless you provide us with that person's written acceptance of all terms of our Agreement and we agree to extend credit to that person and to release you.

5.4 Your obligation to pay for our services under this Agreement is not contingent on your ability to obtain financing, governmental or regulatory agency approval, permits, final adjudication of lawsuit in which we are not involved, your successful completion of a project, receipt of payment from another, or any other event. No retainage will be withheld.

5.5 If you do not pay us within 60 days of invoice date, you agree to reimburse our expenses, including but not limited to attorney fees, staff time, and other costs of collection.

5.6 You agree to compensate us in accordance with our fee schedule if we are asked or required to respond to legal process arising out of a proceeding related to the project and as to which we are not a party.

5.7 If we are delayed by factors beyond our control, or if project conditions or the scope or amount of work change, or if changed labor union conditions result in increased costs, decreased efficiency, or delays, or if the standards or methods change, we will give you timely notice and we will receive an equitable adjustment of our compensation. If you and we do not reach agreement on such compensation within 30 days of our written application, we may terminate without liability to you or others.

5.8 If you fail to pay us within 60 days following invoice date, we may consider the default a total breach of our Agreement and, at our option, terminate our duties without liability to you or to others.

5.9 In consideration of our providing insurance to cover claims made by you, you hereby waive any right of offset as to fees otherwise due us.

Section 6: Disputes, Damage, and Risk Allocation

6.1 Each of us will exercise good faith efforts to resolve disputes without litigation. Such efforts will include, but not be limited to, a meeting(s) attended by each party's representative(s) empowered to resolve the dispute. Before either of us commences an action against the other, disputes (except collections) will be submitted to mediation.

6.2 Neither of us will be liable for special, incidental, consequential, or punitive damages, including but not limited to those arising from delay, loss of use, loss of profits or revenue, loss of financing commitments or fees, or the cost of capital.

6.3 We will not be liable for damages unless suit is commenced within two years of the date of injury or loss or within two years of the date of substantial completion of our services, whichever is earlier. We will not be liable unless you have notified us of the discovery of the claimed breach of contract, negligent act, or omission within 30 days of the date of discovery and unless you have given us an opportunity to investigate and to recommend ways of mitigating damages. You agree not to make a claim against us unless you have provided us at least 30 days prior to the institution of any legal proceeding against us with a written certificate executed by an appropriately licensed professional specifying and certifying each and every act or omission that you contend constitutes a violation of the standard of care governing our professional services.

6.4 For you to obtain the benefit of a fee which includes a reasonable allowance for risks, you agree that our aggregate liability for all claims will not exceed the fee paid for our services or \$50,000, whichever is greater. If you are unwilling to accept this allocation of risk, we will increase our aggregate liability to \$100,000 provided that, within 10 days of the date of our Agreement, you provide payment in an amount that will increase our fees by 10%, but not less than \$500, to compensate us for the greater risk undertaken. This increased fee is not the purchase of insurance.

6.5 You agree to indemnify us from all liability to others in excess of the risk allocation stated above and to insure this obligation.

6.6 The prevailing party in any action relating to this Agreement shall be entitled to recover its costs and expenses, including reasonable attorney fees, staff time, and expert witness fees.

6.7 The law of the state in which our servicing office is located will govern all disputes. Each of us waives trial by jury. No officer or employee acting within the scope of employment shall have individual liability for his or her acts or omissions, and you agree not to make a claim against individual employees.

Section 7: General Indemnification

7.1 We will indemnify and hold you harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by our negligent acts or omissions or those negligent acts or omissions of persons for whom we are legally responsible. You will indemnify and hold us harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by your negligent acts or omissions or those negligent acts or omissions of persons for whom you are legally responsible.

7.2 To the extent it may be necessary to indemnify either of us under Section 7.1, you and we expressly waive, in favor of the other only, any immunity or exemption from liability that exists under any worker compensation law.

7.3 You agree to indemnify us against losses and costs arising out of claims of patent or copyright infringement as to any process or system that is specified or selected by you or by others on your behalf.

Section 8: Miscellaneous Provisions

8.1 We will provide a certificate of insurance to you upon request. Any claim as an Additional Insured shall be limited to losses caused by our sole negligence.

8.2 You and we, for ourselves and our insurers, waive all claims and rights of subrogation for losses arising out of causes of loss covered by our respective insurance policies.

8.3 Neither of us will assign nor transfer any interest, any claim, any cause of action, or any right against the other. Neither of us will assign or otherwise transfer or encumber any proceeds or expected proceeds or compensation from the project or project claims to any third person, whether directly or as collateral or otherwise.

8.4 Our Agreement may be terminated early only in writing. We will receive an equitable adjustment of our compensation in the event of early termination.

8.5 If a provision of this Agreement is invalid or illegal, all other provisions shall remain in full force and effect.

ADDITIONAL SERVICES WORK AUTHORIZATION



Project

Title: Wayzata Lake Effect

Location: Wayzata, Minnesota

Project Number: 2-15-0032 Billing Group 002

>Urban Designers
>Landscape Architects
>Planners

Agreement and/or Authorization for Services by and between the City of Wayzata and: Civitas Inc.

Services determined by: Scott Jordan

Services requested by: Jeff Thomson

Date: June 1, 2016

DESCRIPTION OF SERVICES

Civitas and its sub-consultants will provide the City of Wayzata and its Environmental Consultant Braun Intertec (Braun) support in the preparation of the Lake Effect EAW submittal. Our teams scope of work includes the following tasks:

1. Develop and define project actions in written narrative in sufficient detail so that the environmental impacts may be evaluated.
2. Develop plan view graphics as necessary to fully depict the location and extent of disturbances and impacts that are a result of the proposed design improvements.
3. When required, developed conceptual cross-section drawings to depict the intended design and construction techniques.
4. Develop Stormwater modeling, calculations and management plan.
5. Water resources-related elements of the proposed project include a constructed reef, pile supports and shoreline marsh along a lakeshore walkway, and reconstruction of an "eco park" area. Engineering, design, and estimation of potential environmental impacts will require additional analysis to ensure long-term stability under wave and ice forces and to provide adequate mitigation for floodplain storage.
6. Coordination/communication with representative regulatory agencies as required.
7. Review the compiled draft EAW as developed by Braun to verify project narrative and potential environmental impacts.
8. Attend and participate in the Public Meeting to be lead by Braun/The City of Wayzata.
9. Review and respond to comments received during the Public Comment Period

DESIGN TEAM FEE BRAKDOWN

Team Member	Draft EAW	Community Meeting	Public Comment	Subtotal
Civitas	\$7,000	\$2,800	\$1,000	\$10,800
Solution Blue	\$12,305	\$795	\$895	\$13,995
AES	\$16,500	\$950	\$900	\$18,360

Note: AES = Applied Ecological Systems

1200 Bannock Street
Denver, CO 80204
T: 303.571.0053
F: 303.825.0438
www.civitasinc.com

METHOD OF BILLING

Services will be provided on the following basis:

Professional Services (Labor)

- Hourly, at a rate of \$____/hr, when authorized by Civitas prior to completing the services
- Hourly, per standard rates, not to exceed \$43,115
- Fixed fee of \$_____
- Phased fixed fee of \$_____
- Other _____

REIMBURSABLE EXPENSES

- Reimbursable expenses and outside services are included in the fee.
- Reimbursable expenses are not included in the fee and will be billed at cost

COMPENSATION

Total Compensation \$ (including reimbursable expenses and outside services)

- Work is proceeding by verbal authorization or request from: _____
- Work will begin upon receipt of this authorization.

BILLING RATES

Senior Principal	\$275.00/hr
Principal	\$225.00/hr
Project Director/Project Leader II	\$175.00/hr
Project Leader I	\$150.00/hr
Project Leader	\$130.00/hr
Project Manager	\$110.00/hr
Designer III	\$100.00/hr
Designer II	\$90.00/hr
Designer I	\$70.00/hr
Tech/Clerical	\$80.00/hr

ACCEPTANCE

<i>Signature</i>		<i>Signature</i>	_____
<i>Date</i>	June 1, 2016	<i>Date</i>	_____
<i>Name</i>	Scott Jordan - Treasurer	<i>Name</i>	_____
<i>Company</i>	Civitas	<i>Company</i>	_____
	1200 Bannock Street		
	Denver, CO 80204		
<i>Phone</i>	(303) 571-0053	<i>Phone</i>	_____
<i>Fax</i>	(303) 825-0438	<i>Fax</i>	_____

TERMS OF AGREEMENT

1. ORIGINAL AGREEMENT: The original Agreement for this project remains in effect with the exception of revisions to Scope and Fee agreed to within this Additional Services Authorization.
2. TERMINATION CLAUSE: This Agreement may be terminated by either party upon seven (7) days written notice, at which time payment shall be made to Civitas for all work completed to the date of notice.
3. NONDISCRIMINATION IN EMPLOYMENT: In connection with the performance of work under this Agreement, consultant agrees not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified solely because of race, color, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability; and further agrees to insert the foregoing provision in all subcontracts hereunder.
4. ADDITIONAL SERVICES: In the event of a change in the scope of services, sub-consultant shall be entitled to request additional compensation as mutually agreed by sub-consultant and Civitas in writing.
5. INVOICING: As stated in the executed Original Agreement.
6. OWNERSHIP OF DRAWINGS: Original drawings and other documents, as instruments of service, are the property of Civitas Inc. whether the project for which they are made is completed or not. They are not to be used by the Client on other projects, or extensions to this project, except upon written agreement with, and appropriate compensation to Civitas Inc. Reproducible copies will be provided to the client for information and reference in connection with the project.
7. CREDIT FOR WORK: Appropriate credit shall be given to Civitas in any publicity releases, awards submissions, publications, and on-site signs which identify other professionals and/or contractors working on this Project.
8. LIMITATIONS: Civitas shall not be liable to the City for incidental, indirect or consequential damages arising out of or connected to this Agreement, including but not limited to loss of use, loss of profits, lost income, unrealized energy savings, diminution in property value.



ETM ASSOCIATES, L.L.C .

PUBLIC SPACEMANAGEMENT
PROJECT MANAGEMENT
PUBLIC SPACE DESIGN

June 6, 2016

Jeff Dahl
City Manager
City of Wayzata

RE: O+M Proposal for Lake Effect Signature Park, Wayzata, MN

Dear Jeff:

Thank you for the opportunity to provide a scope of services and fee estimate to provide professional O+M analysis for the Lake Effect Signature Park . Below Please find a proposed scope of services and estimated fee.

Scope of Services

Assessment of Current O+M

ETM will perform a brief assessment of current maintenance responsibilities, staffing, equipment, and facilities. Assessment will include a brief evaluation of current maintenance resources and practices.

Review Preliminary Plans and provide analysis on O+M issues

Our approach is to review Preliminary plans and quantify all of the proposed improvements and develop a list of maintenance tasks along with estimated frequency standards. All hardscape and softscape features will be mapped and quantified so that we can present an accurate cost for maintenance of the park. From this we can easily develop an estimated annual maintenance cost.

Develop O+M Costs and Identify Key Issues

Based on the preliminary designs and Task 1, we will develop a preliminary maintenance budget. We will identify maintenance costs as well as estimated costs for the entire site as well as individual design features if required.



ETM ASSOCIATES, L.L.C .

PUBLIC SPACEMANAGEMENT
PROJECTMANAGEMENT
PUBLIC SPACE DESIGN

Prepare Draft Preliminary O+M Strategy and Budget

Based on the design and estimated maintenance tasks and costs, ETM, in consultation with Civitas and the client will prepare a draft O+M strategy which will include:

- Roles and responsibilities
- Partnering strategy and partner responsibilities
- Annual maintenance tasks and costs
- Park specific and unified budget
- In-house versus contracted work
- Estimate annual budget (expense and revenue projections)
- Staffing needs
- Identify critical management, organizational and financial issues
- Maintenance facility needs

Thanks for the opportunity to submit a proposal. Let me know if you have any questions. Happy to discuss.

Sincerely,

E. Timothy Marshall

E. Timothy Marshall

Lake Effect Signature Park
Wayzata, CO

Fee Proposal

June 6, 2016

RATE \$ 260.00 \$ 115.00 \$ 85.00

Principal Senior Operations Staff Operations Staff

TOTAL

PHASE

PHASE	Hours	Principal	Senior Operations Staff	Operations Staff	TOTAL
Assessment of Current O+M	8	4	12.00		
	Amount	\$ 2,080.00	\$ 460.00	\$ -	\$ 2,540.00
Preview Preliminary Plans & Provide Analysis of O+M Issues	6	40	86.00	40	
	Amount	\$ 1,560.00	\$ 4,600.00	\$ 3,400.00	\$ 9,560.00
Develop O+M Costs & Identify Key Issues	4	24	60	32	
	Amount	\$ 1,040.00	\$ 2,760.00	\$ 2,720.00	\$ 6,520.00
Prepare Draft Preliminary O+M Strategy & Budget	6	40	86	40	
	Amount	\$ 1,560.00	\$ 4,600.00	\$ 3,400.00	\$ 9,560.00
	Hours	24	108	112	244
Subtotal	Amount	\$ 6,240.00	\$ 12,420.00	\$ 9,520.00	\$ 28,180.00
Reimbursable Expenses (Billed at Cost)					\$ 2,818.00

ADDITIONAL SERVICES WORK AUTHORIZATION



Project

Title: Wayzata Lake Effect

Location: Wayzata, Minnesota

Project Number: 2-15-0032 Billing Group 003

- >Urban Designers
- >Landscape Architects
- >Planners

Agreement and/or Authorization for Services by and between the City of Wayzata and: Civitas Inc.

Services determined by: Scott Jordan

Services requested by: Mary DeLaittre (Project Manager on behalf of the City of Wayzata)

Date: June 14, 2016

DESCRIPTION OF SERVICES

Civitas will provide the City of Wayzata with design, technical, and graphic support during the City's project refinement as outlined in the Civitas Memo Dated April 26, 2016. Our scope of work will include:

1. Design, technical and Graphic Support
 - Based on city direction, Civitas will update project graphics and narratives to reflect the proposed phasing and overall scope of work as determined by the City of Wayzata. We will also use this billing group to prepare for any possible community meetings.
2. Capital and Operation and Maintenance cost refinement
 - Update/Refine Opinion of Probable Cost based on the defined project scope of work, and provide technical support for the preparation of a refined Operations and Maintenance cost estimate, to be completed by ETM Associates. Please refer to the attached scope of work for a detailed breakdown of their tasks.
3. Community Meeting Participation
 - Prepare graphics and presentation as necessary for two additional community meetings
 - Attend and participate in two community meetings
4. Marketing/Promotional Meetings with Community Groups/Potential Donors
 - Attend meeting as requested by City

FEE BREAKDOWN

- | | |
|---|----------|
| 1. Design, Technical and Graphic Support | \$20,000 |
| 2. Capital Improvements and O&M cost refinement | \$36,000 |

3. Community Meeting Participation

- Community meeting will be completed on an as needed basis and will be invoiced on a per trip basis using the following cost assumptions
 - Attendance by Mark Johnson
 - Per trip cost of \$2,400
 - Attendance by Scott Jordan

1200 Bannock Street
Denver, CO 80204
T: 303.571.0053
F: 303.825.0438
www.civitasinc.com

- Per trip cost of \$2,000
 - Travel Costs
 - Per trip cost of \$1,000
- Note: Travel costs will be invoiced based on actual cost with no mark-up.

4. Marketing/Promotional Meetings with Community Groups/Potential Donors
- Marketing and PR Trips will be completed on an as needed basis and will be invoiced on a per trip basis using the following cost assumptions
 - Attendance by Mark Johnson
 - Per trip cost of \$2,400
 - Attendance by Scott Jordan
 - Per trip cost of \$2,000
- Note: Civitas is willing to fund the travel expenses related to the Marketing/PR trips to assist in progressing the project towards realization.

METHOD OF BILLING

Services will be provided on the following basis:

Professional Services (Labor)

- Hourly, per standard rates
- Fixed fee of \$
- Phased fixed fee of \$
- Other

REIMBURSABLE EXPENSES

- Reimbursable expenses and outside services are included in the fee.
- Reimbursable expenses are not included in the fee and will be billed at cost

COMPENSATION

Total Compensation \$ (including reimbursable expenses and outside services)

- Work is proceeding by verbal authorization or request from:
- Work will begin upon receipt of this authorization.

BILLING RATES

Senior Principal	\$275.00/hr
Principal	\$225.00/hr
Project Director/Project Leader II	\$175.00/hr
Project Leader I	\$150.00/hr
Project Leader	\$130.00/hr
Project Manager	\$110.00/hr
Designer III	\$100.00/hr
Designer II	\$90.00/hr
Designer I	\$70.00/hr
Tech/Clerical	\$80.00/hr

ACCEPTANCE

<i>Signature</i> _____	<i>Signature</i> _____
<i>Date</i> _____	<i>Date</i> _____
<i>Name</i> _____	<i>Name</i> _____
<i>Company</i> Civitas	<i>Company</i>
1200 Bannock Street	
Denver, CO 80204	
<i>Phone</i> (303) 571-0053	<i>Phone</i>
<i>Fax</i> (303) 825-0438	<i>Fax</i>

TERMS OF AGREEMENT

1. ORIGINAL AGREEMENT: The original Agreement for this project remains in effect with the exception of revisions to Scope and Fee agreed to within this Additional Services Authorization.
2. TERMINATION CLAUSE: This Agreement may be terminated by either party upon seven (7) days written notice, at which time payment shall be made to Civitas for all work completed to the date of notice.
3. NONDISCRIMINATION IN EMPLOYMENT: In connection with the performance of work under this Agreement, consultant agrees not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified solely because of race, color, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability; and further agrees to insert the foregoing provision in all subcontracts hereunder.
4. ADDITIONAL SERVICES: In the event of a change in the scope of services, sub-consultant shall be entitled to request additional compensation as mutually agreed by sub-consultant and Civitas in writing.
5. INVOICING: As stated in the executed Original Agreement.
6. OWNERSHIP OF DRAWINGS: Original drawings and other documents, as instruments of service, are the property of Civitas Inc. whether the project for which they are made is completed or not. They are not to be used by the Client on other projects, or extensions to this project, except upon written agreement with, and appropriate compensation to Civitas Inc. Reproducible copies will be provided to the client for information and reference in connection with the project.
7. CREDIT FOR WORK: Appropriate credit shall be given to Civitas in any publicity releases, awards submissions, publications, and on-site signs which identify other professionals and/or contractors working on this Project.
8. LIMITATIONS: Civitas shall not be liable to the City for incidental, indirect or consequential damages arising out of or connected to this Agreement, including but not limited to loss of use, loss of profits, lost income, unrealized energy savings, diminution in property value.

**AGREEMENT BETWEEN THE CITY OF WAYZATA AND
THE LAKE EFFECT CONSERVANCY TO FINANCIALLY SUPPORT AND
ADVOCATE FOR THE LAKE EFFECT PROJECT**

This Agreement (the “Agreement”) is entered into effective as of _____, 2016 (“Effective Date”) by and between the City of Wayzata, MN, a body corporate and politic under the laws of the State of Minnesota, (the “City”) and the Lake Effect Conservancy, a Minnesota non-profit corporation, (the “Conservancy”) related to the City of Wayzata Lake Effect Project.

BACKGROUND AND CONTEXT

A. The intent and purpose of this Agreement is to set forth the terms of the relationship between the Conservancy and the City as they work together to realize the community-wide multi-year initiative to improve, restore and enhance the areas along the shore of Lake Minnetonka in the City of Wayzata. ~~The role of the Conservancy will be to raise private funds for the Lake Effect Project, and to advocate for the support, realization and long term success of the project.~~

B. ~~The Lake Effect Project will be a public project developed, owned and operated by the City for the benefit of the Wayzata community.~~

C. ~~Recognizing that the funding needs to support the Lake Effect Project at the scale and quality envisioned by the community goes beyond the likely sources of Public Funds available, the parties recognize that facilitating private funding to support the project will be necessary. However, raising and managing such private funding is not a traditional function of the City and is not a function the City has the current capacity or desire to undertake. The City therefore desires to collaborate with the Conservancy in the Conservancy’s efforts to raise private funding to support the project.~~

D. ~~The Conservancy is a private nonprofit corporation whose mission is to support the Lake Effect Project. To best support the mutual goal of developing the Lake Effect Project at the scale and quality envisioned by the community, the Conservancy will be undertaking efforts to raise private funds for the Lake Effect Project and advocating for the support, realization and long-term success of the project, and desires to collaborate with the City so that their mutual efforts are aligned.~~

I. DEFINITIONS

A. Lake Effect Project: “Lake Effect Project” as used in this Agreement means the City of Wayzata’s initiative to improve, restore and enhance the areas along the shore of Lake Minnetonka in the City of Wayzata, making it safer, more ecologically friendly, and improving access to and along the shore, as further defined and approved by the Wayzata City Council.

- B. Components:** “Components” as used in this Agreement mean specific components and projects that City Council identifies and approves as part of the Lake Effect Project, including those contained in the Schematic Design Book for the project prepared by the City’s design consultant, Civitas. Examples include a “Lake Walk” along the lake shore of Lake Minnetonka, Lake Street improvements, current Section Foreman’s House (to become an eco park), and beach improvements.
- C. Private Funds and Philanthropy:** “Private Funds” and “Philanthropy” (“Philanthropic”) as used in this Agreement means financial and other contributions and commitments from the private sector, including from individuals, corporations, and from community, family, and corporate foundations, as well as donor advised funds.
- D. Public Funds:** “Public Funds” as used in this Agreement means funding from sources other than Private Funds, Philanthropy or standard City capital funds. Examples include funds from state and federal grants, other government entities, earned income, and legislative appropriation.

II. TERM

This Agreement shall be in effect from the Effective Date through January 31, 2027 with five-year renewal options thereafter, exercisable by mutual written agreement of the City and the Conservancy. ~~The City reserves the right to~~ Either party may terminate this Agreement upon notice to the ~~Conservancy~~ other party if the Lake Effect Project scope or plans change significantly, the ~~Conservancy~~ other party materially fails to meet its responsibilities hereunder, or if the political or economic environments s no longer warrant this Agreement.

III. COOPERATION AND “PUBLIC-PRIVATE PARTNERSHIP” MODEL

The City and the Conservancy agree to work together cooperatively towards realizing the vision and goals of the Lake Effect Project, recognizing the proper roles, responsibilities, capabilities and authority of each that are set forth in this Agreement.

IV. ROLES AND RESPONSIBILITIES

A. Shared Roles and Responsibilities:

1. Maintain sustained commitment to the Lake Effect Project as a Wayzata community initiative.
2. Strive to build public awareness of the Lake Effect Project.
3. Share the Lake Effect Project communications and design messaging, promotional media, and graphics.
4. Establish and maintain strong communication and mutual understanding between the parties in pursuit of the Lake Effect Project.
5. Be supportive of each other in realizing the Lake Effect Project.

B. City's Roles and Responsibilities: *Ownership, Decision Making, Public Fundraising and Project Management*

1. The City will be the property rights holder of all land and public improvements associated with the Lake Effect Signature Park.
2. The City will be responsible for the construction of the Components of the Lake Effect Project, and all activities related thereto.
3. The City will be responsible for the ongoing management, programming and maintenance of the Components of the Lake Effect Project.
4. The Wayzata City Council will have the sole discretion and approval of approval all Components of the Lake Effect Project.
5. The City will actively pursue Public Funding, including state and federal funding for the Lake Effect Project.
6. The City will direct Philanthropic inquiries and opportunities to the Conservancy.
7. The City will collaborate with the Conservancy on Private and Public Fundraising for the capital projects related to the Components.
8. The City will collaborate with the Conservancy on Philanthropic pursuits where public sector involvement, in-kind contributions, or local financial matches are needed.
9. The City will provide a brand and marketing presence for the Conservancy in appropriate media and at City facilities and events.

C. Conservancy's Roles and Responsibilities: *Advocacy and Private Fundraising*

1. Conservancy will provide fundraising expertise and capacity to the Lake Effect Project, and will actively raise Private and Philanthropic Funding for all aspects of the project, including Philanthropic campaigns, and be the primary liaison to the Philanthropic community.
2. The Conservancy will coordinate and lead the pursuit of Private Funding and Philanthropy, including donor prospect strategy, communications, and timing and as needed for specific projects and Components related to the Lake Effect Project.
3. The Conservancy will advocate for the implementation and long term sustainability and success of the Lake Effect Project, including through stakeholder cultivation, awareness-building and promotions.
4. The Conservancy will abide by the highest legal and ethical standards for nonprofit, tax-exempt organizations with similar missions, and will properly manage its operations in accordance with such standards and its tax-exempt purpose.
5. The Conservancy will properly manage and disperse all gifts, grants and contributions in accordance with its tax-exempt purpose and mission.
6. The Conservancy will collaborate with the City on all aspects of the Lake Effect Project that require City approval or involvement.
7. The Conservancy will not engage in any efforts that are inconsistent with its tax-exempt purpose and mission.
8. The Conservancy will seek the appropriate approvals of the Wayzata City

Council, and abide by the direction of the Council in matters under the City's authority in this Agreement or otherwise under law.

V. CONSTRAINTS

The parties acknowledge the following constraints on their mutual efforts under this Agreement:

- A. All restrictions associated with state or federal funding, including for construction materials, procurement, private advertising, lease/operating arrangements, and use of public land, shall be observed even if they impact project flexibility, costs and timelines.
- B. All applicable public bidding and City procurement policies and regulations must be followed.
- C. The ability to maintain project timelines is often beyond the control of the parties due to unforeseeable changes in Public Funding, land acquisition challenges, permitting delays, soil conditions, and other factors.
- D. ~~Neither the City and nor the Conservancy recognize that can guarantee~~ Private and Public Funding cannot be guaranteed for any of the Components of the Lake Effect Project aspirations.
- E. Unforeseen fluctuations occur in the Philanthropic environment and general economy that could impact the Conservancy's ability to achieve fundraising milestones.
- F. Both parties have limits to organizational capacity, especially in the areas of staffing and financial resources.
- G. ~~Both parties recognize that cConstructing capital projects~~ Components of the Lake Effect Project according to the design ~~intent~~ envisioned during by fundraising campaigns ~~Civitas and promoted in the fundraising process,~~ as well as operating those ~~projects~~ Components once open to a high standard of care with robust programming, will impact the success of on-going Public and Private Fundraising ~~Philanthropic success.~~

VI. COORDINATION

To better coordinate the work of the Conservancy and the City hereunder:

- A. A team consisting of five (5) people made up of two (2) representatives of the Conservancy, two (2) representatives of the City, and the Mayor ("Lake Effect Team") will be established to provide input on key issues if/when they arise, and meet at least once yearly to review the current year's progress and prepare a general Lake Effect Project fundraising plan for the upcoming year. The Lake Effect Team will also develop success metrics to address the topics of project progress, fundraising

achievements, third-party involvement, and community perceptions.

- B.** If any issue or conflict arises related to the Project or this Agreement, every attempt will be made to resolve it at the staff level. If staff resolution is not possible, lead staff will bring disputes to the Lake Effect Team who will seek consensus and recommendations to the parties on the issue.

VII. STAFFING

The City and the Conservancy will each designate a lead person responsible for Lake Effect Project activities to act as liaison and point of contact between the City and the Conservancy (“Lead Staff Person”). Each year, the Lead Staff Person will prepare a review of project metrics to be shared with City Council and Conservancy Board members.

VIII. GENERAL

- A.** Neither party to this Agreement may assign any of its rights or delegate any of its rights or obligations hereunder without the prior written consent of the other party.
- B.** This Agreement may be amended or modified only by a written instrument signed by both of the parties hereto.
- C.** Section headings used in this Agreement have no legal significance and are used solely for convenience of reference.
- D.** This Agreement shall be governed by and interpreted in accordance with Minnesota law.
- E.** If any part of this Agreement is deemed invalid, illegal or unenforceable, such part shall be deemed severed herefrom and shall not affect the other parts of this Agreement.
- F.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

Accepted and Agreed To:

Lake Effect Conservancy

City of Wayzata, MN

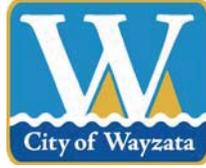
By _____
_____, President

By _____
Jeffrey J. Dahl, City Manager

By _____
Ken Willcox, Mayor

000043/316003/2410395_5

DRAFT



**Planning Report
City Council
August 3, 2016**

Project Name: Frenchwood Third Addition
Applicant Zev and Kristi Oman, Robert Bolling
Addresses of Request: 250 and 270 Bushaway Rd
Prepared by: Jeff Thomson, Director of Planning and Building

Development Application

Introduction

The applicant, Zev and Kristi Oman and Robert Bolling, have submitted a development application to subdivide the properties at 250 and 270 Bushaway Rd. The applicant is proposing to subdivide the two existing lots into four single-family residential lots. The two existing homes would remain and two new single-family homes would be constructed. The proposal requires preliminary and final plat review with variances.

Property Information

The property identification number and owner of the properties are as follows:

Address	PID	Owner
250 Bushaway Rd	05-117-22-34-0018	Zev and Kristina Oman
270 Bushaway Rd	05-117-22-34-0019	Robert Bolling

The current zoning and comprehensive plan land use designation for the properties are as follows:

Current zoning:	R-1/Low Density Single Family Residential District
Comp plan designation:	Bushaway Conservation District
Total site area:	351,027 sq. ft. (8.1 acres)

Project Location

The properties are located on Bushaway Road, across from the Lasalle Street intersection:

Map 1: Project Location



Application Requests

As part of the submitted development application, the applicant is requesting approval of the following items:

- A. Concurrent Preliminary and Final Plat Subdivision: The proposed requires preliminary and final plat review to subdivide the two existing lots into four lots. (City Code Sections 805.14 and 805.15)
- B. Lot width variances: The R-1 zoning district requires a minimum lot width of 150 feet for each lot. Three of the four lots (Lots 1, 3 and 4) would have lot widths that are less than 150 feet, which requires variances for each of the lots.
- C. Variance from the subdivision ordinance to allow use of a private roadway: The subdivision ordinance states that private streets are prohibited and any subdivision that adjoins an existing private street, the private street is required to be dedicated for public use and scheduled for improvement to public street standards at the time of final plat. The applicant is proposing to provide access to the two new lots via the existing private street on the south side of the lot, which requires a variance.

Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-family homes	R-1/Low Density Single Family Residential District	Bushaway Conservation District

East	Single-family home	R-1/Low Density Single Family Residential District	Bushaway Conservation District
South	Single-family homes	R-1/Low Density Single Family Residential District	Bushaway Conservation District
West	Single-family homes	R-2A/Single Family Residential District	Low Density Single Family

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* and mailed to all property owners within 350 feet of the subject properties on June 23, 2016 and July 7, 2016.

Analysis of Application

Existing Site Features

The landscape features include upland deciduous trees, mainly maple, basswood and oak. In addition, there is a small wetland area located in the northwest corner of the property on the proposed Lot 1. The existing home on the 250 Bushaway Road property sits atop a knoll on the northeast corner of the property. Topography is steep, sloping to the west and south from the home site. Proposed Lots 2 and 3 slope to the south.

Access to the property is via a private easement over the neighboring property to which the City is not a party. Bushaway Road is a Hennepin County (101) controlled roadway. Any new access points to the roadway would be controlled by a permit authorized by the County.

Previous Subdivision Approval

In 2015, the property owner of 250 Bushaway Road, Zev and Kristi Oman, submitted a subdivision application that included only the 250 Bushaway Road property. The 2015 application included a three lot subdivision, with variances from the minimum lot size of 2 acres for two of the lots. The City Council denied the subdivision application.

Lot Requirements

The following table outlines the lot requirements outlined in the R-1 zoning district, and Comprehensive Plan:

	Lot area (sq. ft.)	Lot width	Lot depth
R-1 Requirements	40,000 (min.)	150 ft. (min.)	150 ft. (min.)
Comp Plan Requirements	87,120 sq. ft. (2 acres)	NA	NA
Lot 1	87,122 sq. ft.	125 ft.**	200+ ft.
Lot 2	87,120 sq. ft.	219 ft.	200+ ft.
Lot 3	87,120 sq. ft.	105 ft.**	200+ ft.
Lot 4	89,665 sq. ft.	0 ft.**	200+ ft.

**variance required

Comprehensive Plan

The land use designation for the property, Bushaway Conservation District, establishes a minimum lot size of 2.0 acres, which is greater than the minimum lot size in the R-1 zoning district. The Comprehensive Plan includes the following description for the Bushaway Conservation District:

The properties east of Hwy 101 in the Bushaway neighborhood are generally larger lots that contain important natural resources, such as mature tree coverage, wetlands, and steep slopes. Lot sizes should be a two (2) acre minimum. However, the City may on an individual case basis grant a variance to the lot area requirement in order to preserve trees, steep slopes, and/or wetlands. A special overlay district may be appropriate for this area to address the City's desire to preserve important natural resources.

All of the lots in the proposed subdivision would be two acres in size or greater, and would meet the requirements of the Bushaway Conservation District.

Lot Widths

The zoning ordinance for the R-1 zoning district requires a minimum lot width of 150 feet. By definition, the lot width is measured perpendicular to the lot depth, *at the front yard setback requirement*. The three proposed lots that have frontage on Bushaway Rd (Lots 1, 2 and 3) are 150 feet in width at the right of way, but due to the configuration of the side lot lines, two of the lots (Lots 2 and 3) do not meet the minimum lot width requirement at the front yard setback requirement of 45 feet. Lot 4, which contains the existing home at 270 Bushaway Rd, would not have any frontage on Bushaway Rd. Therefore, Lot 4 also requires a variance from the minimum lot width requirement.

Surrounding Lot Sizes

The following summarizes the lot areas of the R-1 lots located within 350 feet of the subject properties:

Address	Lot area
100 Bushaway Rd	587,990 sq. ft.
200 Bushaway Rd	223,993 sq. ft.
218 Bushaway Rd	72,779 sq. ft.
240 Bushaway Rd	101,068 sq. ft.
310 Bushaway Rd	81,978 sq. ft.
314 Bushaway Rd	81,370 sq. ft.
318 Bushaway Rd	84,766 sq. ft.
324 Bushaway Rd	86,405 sq. ft.

Proposed Houses:

The applicant has not submitted plans for the two new homes that would be constructed within the subdivision because the specific house plans have not been designed. The

proposed plans include possible house footprints locations, possible driveway layouts, and preliminary grading for the house pads.

Driveway/Street Access

The existing 270 Bushaway Rd property is encumbered by a private street which serves both the 250 and 270 Bushaway Rd properties, the vacant property adjacent to the east, and the six lots within the Enchanted Woods development. The proposed plans would not change the driveway accesses for the two existing homes, and the two new homes on Lots 2 and 3 would have driveway access from the existing private street. The City's subdivision ordinance states that if a subdivision of land adjoins an existing private street, the private street must be dedicated for public use and scheduled for improvement to public street standards. The applicant has requested a variance from this standard in order to allow the two new homes to provide access from the existing private street, rather than providing separate access driveways directly from Bushaway Road.

Utilities

The applicant is proposing to provide two new sewer and water services to serve the two new homes that would be constructed. The services for the two existing homes would not be modified, but private easements would need to be established as the existing services would cross over the reconfigured lots. The private easements would be the applicant's responsibility.

Tree Preservation

The proposed plans include a tree inventory for Lots 1, 2 and 3, but a tree inventory has not been completed for Lot 4 since the applicant is not proposing any construction on the existing 270 Bushaway Road property. There are 349 total trees included in the inventory, of which 56 are indicated for removal for construction of the new homes. However, the applicant has not developed detailed plans for the two new homes that would be constructed on the lots, so the lots include basis house pads, minimal grading, and undetermined utility service locations. Therefore, the precise impacts on the trees for the proposed subdivision cannot be determined.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meetings on July 6, 2016 and July 18, 2016. The Planning Commission indicated they supported the variances because of the additional trees that would be preserved as a result of the variances. The Planning Commission voted four (4) in favor and one (1) abstention to adopted the Report and Recommendation recommending approval of the application. The Planning Commission minutes and Report and Recommendation are attached to this report.

Applicable Code Provisions for Review

Preliminary Plat Criteria (Section 805.14.E): The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.

11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Lot Width Variance: Section 801.05.1.C of the Zoning Ordinance provides the criteria for reviewing variances from the standards of the Zoning Ordinance, which are:

1. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Private Street Variance. Section 805.60 of the Subdivision Ordinance provides the standards and criteria for reviewing variances from the standards of the Subdivision Ordinance, which are as follows:

1. The City Council may approve a variance from the minimum standards of the Subdivision Ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:
 - A. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of his land.
 - B. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
 - C. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
 - D. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
 - E. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

Action Steps

Adopt draft Resolution No. 27-2016 approving the preliminary and final plat subdivision, lot width variances, and private street variance at 250 and 270 Bushaway Rd.

Attachments

- Attachment A: Applicant's Narrative
- Attachment B: Proposed Plans
- Attachment C: Draft July 6, 2016 and July 18, 2016 Planning Commission Minutes

- Attachment D: Planning Commission Report and Recommendation
- Attachment E: Draft Resolution 27-2016

Applicant's Narrative

The Minnesota Supreme Court has held that municipalities have “broad discretionary power” in considering whether to grant or deny variances. *Krummenacher v. City of Minnetonka*, 783 N.W.2d 721, 727 (Minn. 2010), quoting *VanLandschoot v. City of Mendota Heights*, 336 N.W.2d 503, 508 (Minn. 1983). Due to this broad discretionary power, courts are to review municipal variance decisions only to determine whether the municipality “was within its jurisdiction, was not mistaken as to the applicable law, and did not act arbitrarily, oppressively, or unreasonably, and to determine whether the evidence could reasonably support or justify the determination.” *Id.*, quoting *In re Stadsvold*, 754 N.W.2d 323, 332 (Minn. 2008). Granting the applicants their requested variances is well within the lawful discretion of the City in this case.

Minnesota’s municipal zoning statute authorizes a municipality to provide for variances from the requirements of the municipality’s zoning ordinance. Minn. Stat. § 462.357, subd. 6(2) (2015). Pursuant to the authority conferred by this statute, the City’s zoning ordinance provides that a variance may be granted in the following circumstances:

A variance is only permitted when it is in harmony with the general purposes and intent of this ordinance and when the variance is consistent with the comprehensive plan. A variance may be granted when the applicant establishes that there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

City Code, § 801.05.1(C). The above-referenced “practical difficulties” standard for the granting of municipal zoning variances was only very recently enacted by the Minnesota Legislature in its 2011 legislative session, replacing the very strict “undue hardship” standard that previously applied.

Here, the applicants satisfy the criteria for variance approval established by the Minnesota municipal zoning statute and the City’s zoning ordinance for the following reasons:

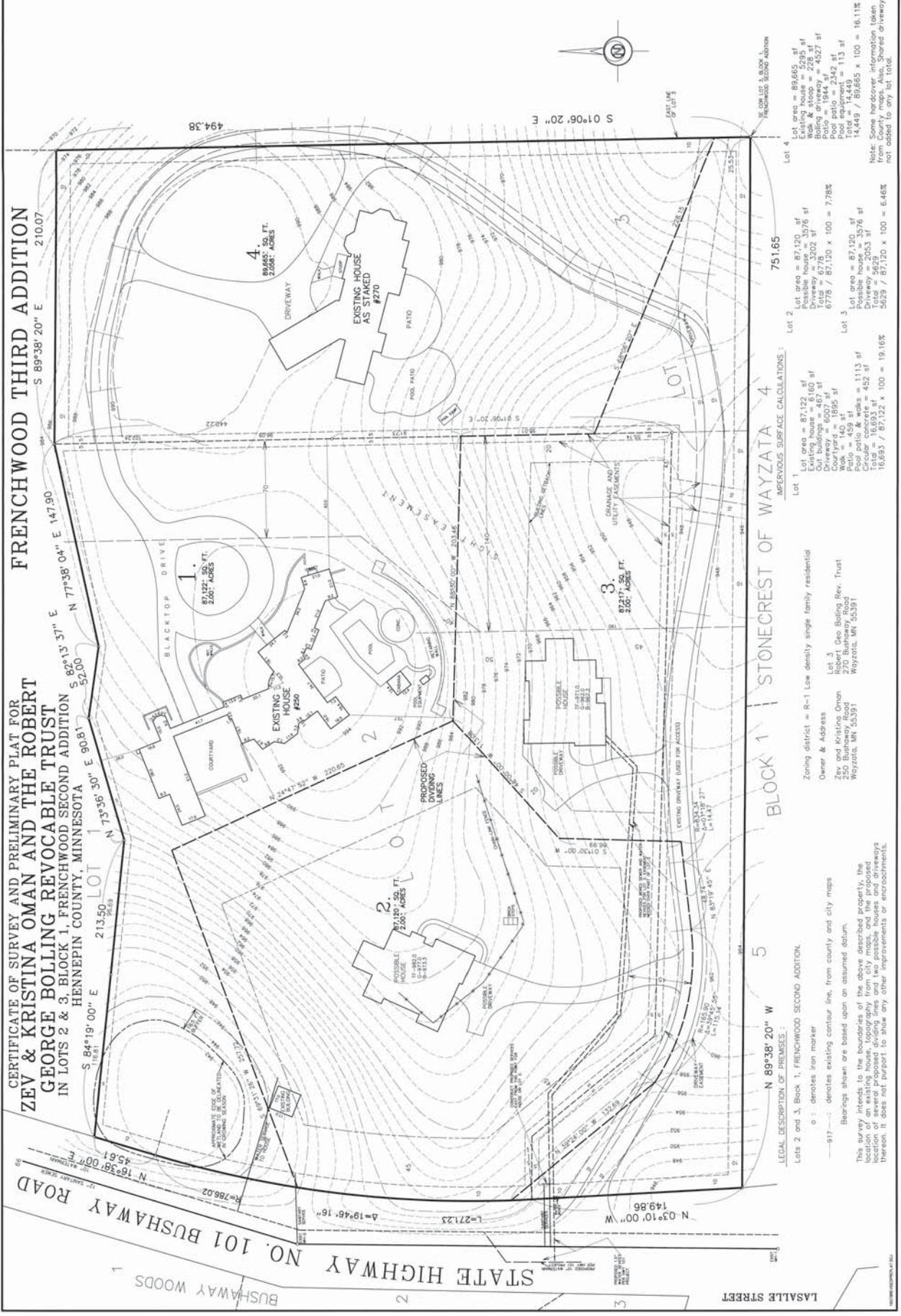
- The requested variances are in harmony with the general purposes of the City’s zoning ordinance and are consistent with the City’s comprehensive plan. Here, the City has designated the subject property for low-density residential use in both its zoning ordinance and comprehensive plan. The use proposed by the applicants is consistent with these designations.
- The access requested is appropriate and fair given that the City

Applicant's Narrative

removed the prior access to the applicant carriage house/garage. That access would have served the proposed lots, but it doesn't exist anymore and can't be reclaimed. Accordingly, the requested access variance is necessary and appropriate.

- The applicant's request takes special consideration for the preservation of trees, and in fact the removal of trees in the developed areas will allow healthier growth of the remainder of the trees that are now being choked out by roots and open up additional sunlight.
- The applicants' proposed use of the subject property is perfectly reasonable. The applicants propose to create four platted lots with characteristics similar to others in the same area.
- The need for the requested variances are unique to the subject property and were not created by the applicants. Here, the locations of the existing single-family homes along with the topography of the land surrounding the subject property is unique and requires the applicants to propose lots with irregular shapes that – with respect to two of the four proposed lots - do not comply with the lot-width requirements of the City's zoning ordinance. These characteristics were not created by the applicants. Moreover, the neighborhood in which the subject land is located has historically been served by the existing private access road which will also provide access to the platted lots proposed by the applicants here. The applicants likewise are not responsible for this.
- The requested variances will not alter the essential character of the locality. Here, the neighborhood surrounding the subject property consists of single-family homes on lots similar to those proposed by the applicants here. Many of these lots are irregularly shaped due to the unique topography of the area. Many of these lots are served by private access roads of the type proposed by the applicant here. Indeed, many lots in the same "locality" are served by the very same existing private access road that the applicants propose to use here.
- Finally, economic considerations alone do not create the need for the requested variances. To the contrary, the need for the variance is created by the characteristics of the site discussed above.

For these reasons, the applicants satisfy all of the criteria for variance approval set forth in the City zoning ordinance. Accordingly, the applicants respectfully request that the Planning Commission recommend approval of the requested variances.



1 Commissioner Gonzalez requested the applicant consider plans that would avoid or reduce the
2 need to build the large retaining walls.

3
4 Mr. Bohl explained they would look into this and provide additional information to the
5 Commission. He stated he would work with the neighbor to come to agreement on their
6 concerns.

7
8 Chair Iverson stated the existing water main is on private property. She asked how this
9 connection would work.

10
11 Mr. Bohl stated he would provide an alternative plan to what is included in the application.

12
13 Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan, to continue the
14 application to a future Commission meeting to provide the applicant and Staff an opportunity to
15 explore other possibilities and to address the concerns that were expressed by the Commission
16 and the public. The motion carried unanimously.

17
18 The Planning Commission recessed at 9:10 p.m.

19
20 The Planning Commission reconvened at 9:15 p.m.

21
22 **b.) Frenchwood Third Addition – 250 and 270 Bushaway Rd**

23 **i. Preliminary and Final Plat Subdivision with Variances**

24
25 Mr. Thomson stated the applicant submitted a development application to subdivide the
26 properties at 250 and 270 Bushaway Road. The applicant is proposing to subdivide the two (2)
27 existing lots into four (4) single-family residential lots. The two (2) existing homes would
28 remain and two (2) new homes would be built. The applicant is requesting approval of a
29 concurrent Preliminary and Final Plat review and lot width variance. The R-1 Zoning District
30 requires a minimum lot width of 150-feet for each lot. Three (3) of the four (4) lots would have
31 lot widths that are less than 150-feet, which requires a variance for each of the lots. The
32 proposed plans include a tree inventory for Lots 1, 2, and 3, but a tree inventory has not been
33 completed for Lot 4 since the applicant is not proposing any construction on the existing 270
34 Bushaway property. The existing 270 Bushaway Road property is encumbered by a private
35 driveway, which serves both the 250 and 270 Bushaway Road properties, the vacant property
36 adjacent to the east, and the six lots within the Enchanted Woods development. The proposed
37 plans would not change the driveway access for the two (2) existing homes, and the two (2) new
38 homes on Lots 2 and 3 would have a driveway access from the existing shared driveway. The
39 Street Design Standards state if a subdivision of parcels adjoins an existing private street, the
40 private street must be dedicated to the public and scheduled for improvement to public street
41 standards. The applicant thus has the option of moving forward with a PUD, a public street, or a
42 variance for this street, which would require an amendment to the application. The applicant
43 could put driveways that would connect with a public street but this may involve additional
44 grading impacts and would result in additional access points on Bushaway Road. He stated there
45 are no home designs at this time. If this moves forward the Commission may want to consider

1 adding conditions regarding these new homes. The applicant would need to work out the private
2 easements for the utilities.

3
4 Chair Iverson opened the public hearing at 9:23 p.m.

5
6 Applicant's representative, Mr. Peter Benincasa, Executive Real Estate Professionals, 8749
7 Helswig Trail, Brooklyn Park, stated the property has a shared easement due to the driveway and
8 the utilities, and most of the homes that share the driveway were granted a variance. Many of the
9 trees that would be removed are damaged and falling down. They are looking to subdivide the
10 property and the developers can submit applications for the Commission to review to ensure
11 these homes would meet the City's requirements.

12
13 Kristi Oman, 250 Bushaway Road, Wayzata, stated the neighbors are supportive of the project.

14
15 Chair Iverson closed the public hearing at 9:27 p.m.

16
17 Commissioner Gonzalez stated she would like to see the property staked out with property lines
18 and proposed building sites. She clarified the private street that was constructed was part of a
19 PUD and this had been approved because the private street was saving hundreds of trees. The
20 City's code requires that a private road be approved only if it is part of a PUD or through a
21 variance application. Since neither one of these are part of the application the Commission
22 would not be able to make a recommendation.

23
24 Mr. Thomson stated the Commission can provide feedback on the plans, and the applicant would
25 need to come back to the Commission with the appropriate revisions and an amended
26 application.

27
28 Commissioner Gonzalez asked what the practical difficulties were that would allow the
29 Commission the ability to grant a variance.

30
31 Ms. Oman stated the lots are configured so to allow for the lowest impact on the trees. They do
32 not want to impact the aesthetics and appeal of the property. She could configure the properties
33 to meet the requirements of the ordinances but there would be a significant impact on the trees.

34
35 Commissioner Flannigan asked the applicant if there were letters of support from neighbors.

36
37 Ms. Oman stated she would provide this. She pointed out that there were no residents at the
38 public hearing to speak negatively about the project.

39
40 Mr. Benincasa stated the changes to Highway 101 and the loss of an entry point to the property
41 from that road also drive the request for a private street.

42
43 Mr. Thomson stated staff could bring a draft report and recommendation on the project to the
44 next meeting of the Commission, and at that point, the Commission could also hold a an
45 additional public hearing on the new requests added to the application.

46

1 Commissioner Gonzalez requested the applicant provide a reasonable explanation why the lot
 2 width variances should be granted. She stated the Code states that a variance can be granted
 3 when there are practical difficulties that are unique to the site and not created by the applicant.
 4 Economic reasons cannot be the driving force.

5
 6 Chair Iverson asked if the Commission if they supported the variance request for the lot widths.

7
 8 Commissioner Gonzalez made a motion, seconded Gnos by Commissioner to direct staff to
 9 prepare a draft Report and Recommendation, with appropriate findings, recommending approval
 10 of the Application, as may be amended, for consideration at the next meeting, and ask the
 11 applicant revise the application to include a request for a variance for the private road, and a
 12 written report showing appropriate hardship for the variance requests. The motion carried
 13 unanimously.

14
 15 Commissioner Flannigan requested written confirmation from neighbors that they support the
 16 project.

17
 18
 19 **AGENDA ITEM 7. Other Items:**

20
 21 **a.) Review of Development Activities**

22
 23 Mr. Thomson stated the July 18 agenda is scheduled to include the two carry over items from
 24 this meeting, and the redevelopment application for the Gold Mine and Mail Center properties on
 25 Broadway Avenue.

26
 27 **b.) Other Items**

28
 29 Mr. Thomson stated the City Council reviewed the Mill Street Ramp project on July 5, and did
 30 vote to approve the schematic design and move into final design of the ramp. The Council also
 31 adopted the first reading of the Tree Ordinance.

32
 33 City Attorney Schelzel stated the adoption of the Tree Ordinance would affect the types of items
 34 the City requests with development applications, including a Tree Preservation Plan as defined
 35 in the new ordinance.

36
 37 Mr. Thomson sated once the ordinance has been adopted, staff would review the changes under
 38 the ordinance and related procedures with the Planning Commission.

39
 40 Mr. Thomson noted that the City Council tabled the Meyer Dairy project, and that the project at
 41 529 Indian Mound was approved. The six (6) lot subdivision on Holdridge Road was reviewed
 42 by the City Council, and the Council denied the project.

43
 44 Commissioner Gnos asked if there would be an application coming for the “pink” building on
 45 Lake Street. They are advertising the property.

46

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
JULY 18, 2016

AGENDA ITEM 1. Call to Order and Roll Call

Vice Chair Gruber called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Flannigan and Gnos. Absent and excused: Commissioners Iverson and Murray. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan to approve the July 18, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of June 20, 2016 Planning Commission Minutes

Commissioner Gonzalez made a motion, seconded by Commission Gnos to approve the June 20, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) Frenchwood Third Addition – 250 and 270 Bushaway Rd
i. Preliminary and Final Plat Subdivision with Variances

Director of Planning and Building Thomson stated the applicant, Zev and Kristi Oman and Robert Bolling, has submitted a development application to subdivide the properties at 250 and 270 Bushaway Rd. The applicant is proposing to subdivide the two (2) existing lots into four (4) single-family residential lots. The two (2) existing homes would remain and two (2) new homes would be constructed. As part of the submitted development application, the applicant is requesting approval of a concurrent preliminary and final plat subdivision, lot width variances, and a variance from the subdivision ordinance to allow use of a private street. The Planning Commission reviewed the development application and held a public hearing at its meeting on July 6, 2016. At the meeting, the Commission asked the applicant to amend the application based on the private street requirements of the Subdivision Ordinance, and submit a written statement on the rationale for the requested variances. The Planning Commission also directed staff to prepare a draft Report and Recommendation recommending approval of the application for review at its next meeting. Mr. Thomson reported that the applicant has amended the

1 application to request a variance from the private street prohibition of the Subdivision Ordinance,
2 and has submitted a letter detailing the reasons for the variance request. He explained the public
3 hearing at tonight's meeting would be for the variance request to allow use of a private roadway,
4 and that the public hearing held at the last meeting covered the other requests of the application.
5 He reviewed the proposed conditions of an approval recommendation for the development. He
6 stated that Tree Preservation Plans must be prepared for each of the new homes and submitted to
7 the City for review as required by the City's pending new tree preservation ordinance.

8
9 Commissioner Gonzalez asked if the tree preservation ordinance would be part of the Zoning
10 Ordinance.

11
12 Mr. Thomson stated the portion of the tree preservation ordinance that pertains to subdivisions is
13 included in the Zoning Ordinance.

14
15 Commissioner Gruber opened the public hearing at 7:09 p.m.

16
17 There being no one wishing to address the Planning Commission, Commissioner Gruber closed
18 the public hearing at 7:10 p.m.

19
20 Commissioner Flannigan asked for background on the existing private street.

21
22 Mr. Thomson stated the private street serves the two (2) existing homes on Bushaway Rd and all
23 of the Enchanted Woods development. He was unable to give details on the specific approvals
24 that were granted at the time of the Enchanted Woods development.

25
26 Commissioner Gonzalez stated the variance was approved for the private street because the City
27 was able to save hundreds of trees and the Fire Marshal's concerns had been addressed by
28 widening the road slightly. The Enchanted Woods project was approved as a PUD, and the
29 private street was approved as part of the PUD. She explained that the access to Bushaway Road
30 had been cutoff as well.

31
32 City Attorney Schelzel stated that at the last Planning Commission meeting, the applicant had
33 stated the recent construction on County Road 101 had effectively blocked access to the
34 property.

35
36 Mr. Peter Benincasa, applicant's representative, Executive Real Estate Professionals, 8749
37 Helswig Trail, Brooklynn Park, clarified the Carriage House is part of the property and for 50-
38 years there was a road that came up to the driveways. There was a house built adjacent to the
39 road that came in and when they put in their driveway there was no easement put in. It came
40 close, so they moved it over and closed off the road, and the County went with it and closed off
41 the access from County Road 101 during the recent construction on the road.

42
43 Commissioner Young stated he would abstain from the final vote on the recommendation
44 because he had not been present at the first meeting regarding the application.

45

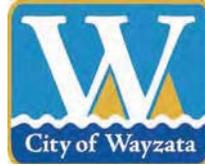
1 Commissioner Gonzalez clarified she would support the variances requested because they would
2 save several trees.
3

4 Commissioner Gonzalez made a motion, seconded by Commissioner Gnos to adopt the Report
5 and Recommendation, as presented, recommending approval of the Preliminary and Final Plat,
6 Lot Width Variances, and Private Street Variance at 250 and 270 Bushaway Road with the
7 conditions of approval in the Report. The motion carried 4-ayes; 1 abstain (Young).
8
9

10 **b.) Broadway Place – 326 and 332 Broadway Ave S**

11 **i. Rezoning, Concurrent PUD Concept and General Plan of Development,**
12 **Design Review, Variances, Shoreland Impact Plan/Conditional Use**
13 **Permit, and Preliminary and Final Plat Subdivision**
14

15 Director of Planning and Building Thomson stated the applicant, Beltz Enterprises, LLC, and the
16 property owner, MJ Mail Center, LLC, had submitted a development application to redevelop the
17 Gold Mine and Mail Center properties at 326 and 332 Broadway Avenue S. The development
18 application includes demolition of the two (2) existing buildings and construction of a three story
19 mixed use building, which would consist of retail uses on the ground level and office uses on the
20 upper two levels. The property is currently zoned C-4B, and the applicant is requesting a
21 rezoning to a PUD and concurrent review of both a Concept Plan and General Plan. The
22 maximum building height in the PUD rezoning district is 35-feet and 3-stories, whichever is less.
23 The proposed building would be 3-stories but 38-feet in height, which requires a variance. In
24 addition to the PUD zoning district, the Shoreland Overlay district also includes a maximum
25 height requirement of 35-feet. The Shoreland Ordinance states that building heights over 35-feet
26 may be allowed through approval of a Shoreland Impact Plan/Conditional use Permit. The
27 Shoreland Overlay district also establishes a maximum impervious surface of 25% of the lot
28 area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a
29 Shoreland Impact Plan/Conditional Use Permit. The proposed plan would have an impervious
30 surface coverage of approximately 96%. The applicant's proposal to combine the two (2) lots
31 into one (1) also requires subdivision review and approval. Mr. Thomson reviewed the Design
32 Standards deviations outlined in the Design Critique based on architectural plans in the
33 application dated 6/17/16 and Civil Plans dated 6/16/16. Mr. Thomson reviewed the deviations
34 from the Design Standards, including the upper story setbacks of the second and third floor,
35 exterior building materials, and sidewalk and streetscape improvements. In addition, the
36 sidewalk materials should be changed to be exposed aggregate with concrete bands. Mr.
37 Thomson noted that the project requires 52 parking stalls. He further explained that the City
38 Council has directed staff to initiate the Mobility District concurrently with the City's Mill Street
39 parking ramp project. The Mobility District would allow property owners to utilize excess
40 parking in the parking ramp to meet parking requirements for changes in use and redevelopment
41 of their property. The property owner would pay the City annually for the number of parking
42 stalls in the ramp that were required by the property uses. Mr. Thomson noted that the Mill
43 Street parking ramp project is still going through the City Council review and approval process.
44 If the City approves this project, there may be an opportunity to coordinate the work on the
45 applicant's project with the Mill Street Ramp construction to minimize the impacts on the
46 neighborhood.



WAYZATA PLANNING COMMISSION

July 18, 2016

REPORT AND RECOMMENDATION OF APPROVAL OF PRELIMINARY AND FINAL PLAT, LOT WIDTH VARIANCES, AND PRIVATE STREET VARIANCE AT 250 AND 270 BUSHAWAY RD

SUMMARY OF RECOMMENDATION

1. **Approval** of Preliminary and Final Plat to subdivide two existing lots into four lots
2. **Approval** of Lot Width Variances
3. **Approval** of Variance for Private Street

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Zev and Kristi Oman and Robert Bolling (collectively, the “Applicant”) have submitted a development application (the “Application”) to subdivide the two existing lots at 250 and 270 Bushaway Road into four single-family residential lots. The two existing homes would remain and two new single-family homes would be constructed (the “Project”).
- 1.2 Application Requests. The Application includes requests for approval of:
 - A. Subdivision for 4 New Lots. The Preliminary and Final Plat submitted with the Application would subdivide the two existing lots at 250 and 270 Bushaway Road into four single-family residential lots. (the “Subdivision” or “Preliminary and Final Plats”).
 - B. Variances for Lot Width. The width of three of the four lots created by the Subdivision would be less than the required width of 150 feet, and thus need a variance. (“Lot Width Variances”).
 - C. Variance for Private Street. The proposed lots would be accessed by

an existing private street, and thus a variance from the Subdivision Ordinance's prohibition of private streets would be required. ("Private Street Variances").

- 1.3 Property. The addresses, property identification numbers and owners of the parcels comprising the subject property (the "Property") are:

250 Bushaway Rd	05-117-22-34-0018	Zev and Kristina Oman
270 Bushaway Rd	05-117-22-34-0019	Robert Bolling

- 1.4 Land Use Designations. The Property falls within the following land use districts:

Current zoning:	R-1A/Low Density Single Family Estate District
Comp plan designation:	Bushaway Conservation District

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on June 23 and July 7, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on June 23 and July 7, 2016. The required public hearing was held at the July 6 and July 18, 2016 Planning Commission meetings.

Section 2. STANDARDS

2.1 Subdivision / Preliminary and Final Plat

Review and approval of subdivisions of property and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 805.14.E:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

2.2 Lot Width Variance. Lots within the R-1 zoning district must be a minimum width of 150 feet. Section 801.52.6.A.2. Section 801.05.1.C of the Zoning Ordinance provides the criteria for reviewing variances from the standards of the Zoning Ordinance, which are:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

2.3 Private Street Variance. The Subdivision Ordinance prohibits private streets except in the case of planned unit developments, and requires that all streets in a new subdivision be dedicated for public use. Section 805.27.K. Section 805.60 of the Subdivision Ordinance provides the standards and criteria for reviewing variances from the standards of the Subdivision Ordinance, which are as follows:

- A. The City Council may approve a variance from the minimum standards of the Subdivision Ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or

desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearings, and the standards of the Wayzata Subdivision and Zoning Ordinances, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Preliminary / Final Plat.

1. The proposed Subdivision is consistent with the Wayzata Comprehensive Plan.
2. The building pads that result from the Subdivision preserve the sensitive areas on the Property, including wetlands, wildlife habitat, trees and vegetation, and scenic points.
3. The building pads that result from the Subdivision have been selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees have been retained where possible. The building pads that results from the Subdivision are sensitively integrated into existing trees.

5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of the lots, the building pads, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
7. The lot sizes resulting from the Subdivision are not dissimilar from adjacent lots or lots found in the surrounding neighborhood.
8. Buildings within the Subdivision are not proposed at this time, and therefore a finding cannot be made as to whether the architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.
9. The architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance are not applicable to this Application.
10. The proposed lot layouts and building pads conform with all performance standards contained in the Subdivision Ordinance with the exception of those for which a variance is being requested.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

3.2 Lot Width Variances.

- A. The Lot Width Variances are in harmony with the general purposes and intent of the Zoning Ordinance.
- B. The Lot Width Variances are consistent with the Comprehensive Plan designations and guidance for the Property.
- C. The Applicant has established that there are practical difficulties in complying with the lot width requirement of the Zoning Ordinance.

1. The proposal for the Property is reasonable but not permitted by the Zoning Ordinance;
 2. The plight of the landowners of the Property is due to circumstances unique to the property, including the topography, natural environment and access to the Property, and not created by the landowners; and
 3. The Lot Width Variance, if granted, will not alter the essential character of the locality and instead help preserve it.
- D. Economic considerations are not the only or a significant reason for the Lot Width Variance.
- E. The Lot Width Variances are not use variances.
- 3.3 Private Street Variance. Undue hardship may result from strict compliance with the Subdivision Ordinance's private street prohibition, particularly the impact on the topography and natural environment of the Property, and the safe ingress and egress for all of the lots within the Subdivision.
1. There are special circumstances and highly unique conditions affecting the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the Applicant of the reasonable use of the Applicant's land, including the use of the Private Street by adjacent properties in the neighborhood.
 2. The granting of the Private Street Variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated, which also utilize the Private Street, and would allow for safer ingress and egress for all of the lots within the Subdivision.
 3. The Private Street Variance is to correct inequities resulting from the topography of the Property, which is a natural, heavily wooded estate area.
 4. Economic difficulties are not a factor in the requested Private Street Variance.
 5. The hardship driving the need for the Private Street Variance is not a result of an action or actions by the owner, Applicant, developer or any agent thereof.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of (i) the Subdivision; (ii) the Lot Width Variances; and (iii) the Private Street Variance, as requested in the Application, subject to the following condition/s:

- A. Park Dedication fees must be paid as required by the Subdivision Ordinance, in an amount of two thousand five hundred dollars (\$2,500.00) per new lot or ten percent (10%) of the determined land value, whichever is greater, to be paid at the time of recording of the final plat for the Subdivision.
- B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.
- C. The Applicant or future homeowner must apply for and obtain all necessary building permits from the City, prior to commencement of any construction activity on the Property.
- D. Tree Preservation Plans must be prepared for each lot and submitted to the City for review as required by the Zoning Ordinance.
- E. Grading, Drainage, Utility, and Erosion Plans must be prepared for each lot and submitted to the City for review by the Applicant or a future owner prior to the submission of building permits.
- F. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.

Adopted by the Wayzata Planning Commission this 18th day of July 2016.

Voting In Favor: Flannigan, Gnos, Gonzalez, Gruber

Voting Against:

Abstaining: Young

Absent: Iverson, Murray

DRAFT RESOLUTION NO. 27-2016

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT SUBDIVISION, LOT WIDTH VARIANCES, AND PRIVATE STREET VARIANCE AT 250 and 270 BUSHAWAY RD

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

1.1 Development Application. Zev and Kristi Oman and Robert Bolling (collectively, the “Applicant”) have submitted a development application (the “Application”) to subdivide the two existing lots at 250 and 270 Bushaway Road into four single-family residential lots. The two existing homes would remain and two new single-family homes would be constructed (the “Project”).

1.2 Application Requests. The Application includes requests for approval of:

- A. Subdivision for 4 New Lots. The Preliminary and Final Plat submitted with the Application would subdivide the two existing lots at 250 and 270 Bushaway Road into four single-family residential lots. (the “Subdivision” or “Preliminary and Final Plats”).
- B. Variations for Lot Width. The width of three of the four lots created by the Subdivision would be less than the required width of 150 feet, and thus need a variance. (“Lot Width Variations”).
- C. Variance for Private Street. The proposed lots would be accessed by an existing private street, and thus a variance from the Subdivision Ordinance’s prohibition of private streets would be required. (“Private Street Variations”).

1.3 Property. The addresses, property identification numbers and owners of the parcels comprising the subject property (the “Property”) are:

250 Bushaway Rd	05-117-22-34-0018	Zev and Kristina Oman
270 Bushaway Rd	05-117-22-34-0019	Robert Bolling

1.4 Land Use Designations. The Property falls within the following land use districts:

Current zoning:	R-1A/Low Density Single Family Estate District
Comp plan designation:	Bushaway Conservation District

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on June 23 and July 7, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on June 23 and July 7, 2016. The required public hearing was held at the July 6 and July 18, 2016

Planning Commission meetings.

Section 2. STANDARDS

2.1 Subdivision / Preliminary and Final Plat

Review and approval of subdivisions of property and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 805.14.E:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

2.2 Lot Width Variance. Lots within the R-1 zoning district must be a minimum width of 150 feet. Section 801.52.6.A.2. Section 801.05.1.C of the Zoning Ordinance provides the criteria for reviewing variances from the standards of the Zoning Ordinance, which are:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

2.3 Private Street Variance. The Subdivision Ordinance prohibits private streets except in the case of planned unit developments, and requires that all streets in a new subdivision be dedicated for public use. Section 805.27.K. Section 805.60 of the Subdivision Ordinance provides the standards and criteria for reviewing variances from the standards of the Subdivision Ordinance, which are as follows:

- A. The City Council may approve a variance from the minimum standards of the Subdivision Ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:
 - 1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of his land.
 - 2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
 - 3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
 - 4. Hardship relating to economic difficulties shall not be considered for the

purpose of granting a variance.

5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

Section 3. FINDINGS OF FACT

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearings, and the standards of the Wayzata Subdivision and Zoning Ordinances, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Preliminary / Final Plat.

1. The proposed Subdivision is consistent with the Wayzata Comprehensive Plan.
2. The building pads that result from the Subdivision preserve the sensitive areas on the Property, including wetlands, wildlife habitat, trees and vegetation, and scenic points.
3. The building pads that result from the Subdivision have been selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees have been retained where possible. The building pads that results from the Subdivision are sensitively integrated into existing trees.
5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of the lots, the building pads, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
7. The lot sizes resulting from the Subdivision are not dissimilar from adjacent lots or lots found in the surrounding neighborhood.
8. Buildings within the Subdivision are not proposed at this time, and therefore a finding cannot be made as to whether the architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.
9. The architectural guidelines and criteria for the Downtown

Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance are not applicable to this Application.

10. The proposed lot layouts and building pads conform with all performance standards contained in the Subdivision Ordinance with the exception of those for which a variance is being requested.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

3.2 Lot Width Variances.

- A. The Lot Width Variances are in harmony with the general purposes and intent of the Zoning Ordinance.
- B. The Lot Width Variances are consistent with the Comprehensive Plan designations and guidance for the Property.
- C. The Applicant has established that there are practical difficulties in complying with the lot width requirement of the Zoning Ordinance.
 1. The proposal for the Property is reasonable but not permitted by the Zoning Ordinance;
 2. The plight of the landowners of the Property is due to circumstances unique to the property, including the topography, natural environment and access to the Property, and not created by the landowners; and
 3. The Lot Width Variance, if granted, will not alter the essential character of the locality and instead help preserve it.
- D. Economic considerations are not the only or a significant reason for the Lot Width Variance.
- E. The Lot Width Variances are not use variances.

3.3 Private Street Variance. Undue hardship may result from strict compliance with the Subdivision Ordinance's private street prohibition, particularly the impact on the topography and natural environment of the Property, and the safe ingress and egress for all of the lots within the Subdivision.

1. There are special circumstances and highly unique conditions affecting

the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the Applicant of the reasonable use of the Applicant's land, including the use of the Private Street by adjacent properties in the neighborhood.

2. The granting of the Private Street Variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated, which also utilize the Private Street, and would allow for safer ingress and egress for all of the lots within the Subdivision.
3. The Private Street Variance is to correct inequities resulting from the topography of the Property, which is a natural, heavily wooded estate area.
4. Economic difficulties are not a factor in the requested Private Street Variance.
5. The hardship driving the need for the Private Street Variance is not a result of an action or actions by the owner, Applicant, developer or any agent thereof.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution the Preliminary and Final Plats, Lot Width Variances, and Private Street Variance requested as part of the Application are hereby APPROVED, subject to all of the following conditions:
- A. Park Dedication fees must be paid as required by the Subdivision Ordinance, in an amount of two thousand five hundred dollars (\$2,500.00) per new lot or ten percent (10%) of the determined land value, whichever is greater, to be paid at the time of recording of the final plat for the Subdivision.
 - B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.
 - C. The Applicant or future homeowner must apply for and obtain all necessary building permits from the City, prior to commencement of any construction activity on the Property.
 - D. Tree Preservation Plans must be prepared for each lot and submitted to the City for review as required by the Zoning Ordinance.
 - E. Grading, Drainage, Utility, and Erosion Plans must be prepared for each lot and submitted to the City for review by the Applicant or a future owner prior to the submission of building permits.

- F. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.

Adopted by the Wayzata City Council this 3rd day of August, 2016.

Mayor Ken Willcox

ATTEST:

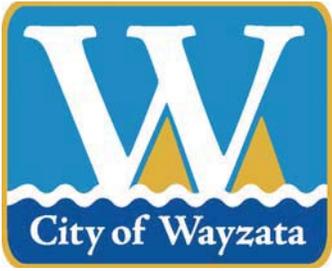
City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

- Motion for adoption:
- Seconded by:
- Voted in favor of:
- Voted against:
- Abstained:
- Absent:
- Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on August 3, 2016.

Becky Malone, Deputy City Clerk
SEAL



City of Wayzata Public Works
299 Wayzata Blvd. W
Wayzata, MN 55391

Director of Public Service
David Dudinsky

City Engineer/Asst. Public Works Director
Mike Kelly

Public Works Superintendent
Jim Eibensteiner

Public Works Secretary/Utility Billing Clerk
Rebecca Jones

To: City Council
From: Public Works Department
Date: July 26, 2016
Re: Wayzata Blvd – Sidewalk connections update

At the June 7, 2016 City Council meeting, the Council requested an update on the status of completing sidewalk connections on Wayzata Blvd, between Central Avenue and Bushaway Road. There are currently three (3) areas that do not have sidewalk. These locations are adjacent to the David Lee Funeral Home, the Wayzata Home Center, and the KFC.

The City currently has the installation of a sidewalk in this area programmed in its Parks and Trails Capital Improvement Plan (CIP) for the year 2020. The project currently has a budget of \$291,000.

There are several construction challenges related to this project, which include retaining wall construction (necessary to support the slope in front of the Funeral Home and, potentially, support the sidewalk in front of the Home Center), limited right-of-way, and tree removal/re-landscaping.

Several aerial photos and street-level photos are attached for your review.

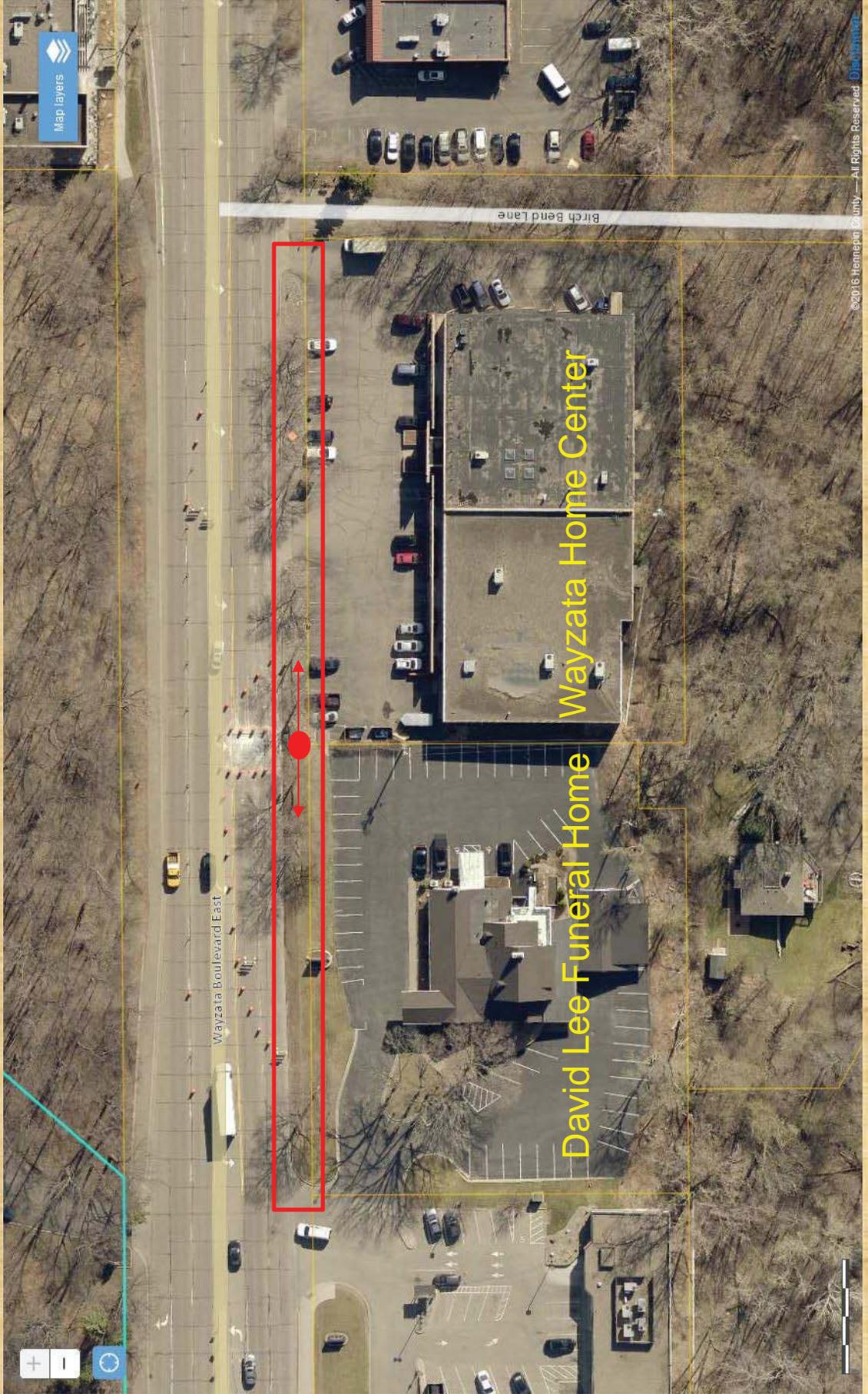
In addition, Public Works staff has scheduled a meeting with Hennepin County staff to discuss the city's long-term vision for CSAH 101 between Bushaway Road and Central Avenue, and how that could align with future county projects. This meeting is scheduled to take place on Thursday, August 11. Topics for discussion include:

- Condition of the roadway and sidewalks, etc.
- SRF study for the future vision of the corridor
- Lighting replacement challenges

Additionally, there is an area on the south side of Wayzata Blvd, between Minnetonka Avenue and the MTC Park and Ride, which does not have a sidewalk. This area was discussed as part of the 2011 reconstruction of Wayzata Blvd and was not included, at that time, due to budget constraints. This segment of sidewalk would require the construction of a significant retaining wall to support the walk and the removal of approximately seven (7) trees. In 2011, this segment had an estimated cost of \$125,000. This segment is not currently programmed in the Parks and Trails CIP. A copy of the originally discussed plan is attached for your review.

Wayzata Blvd sidewalk connections

● = Photo location



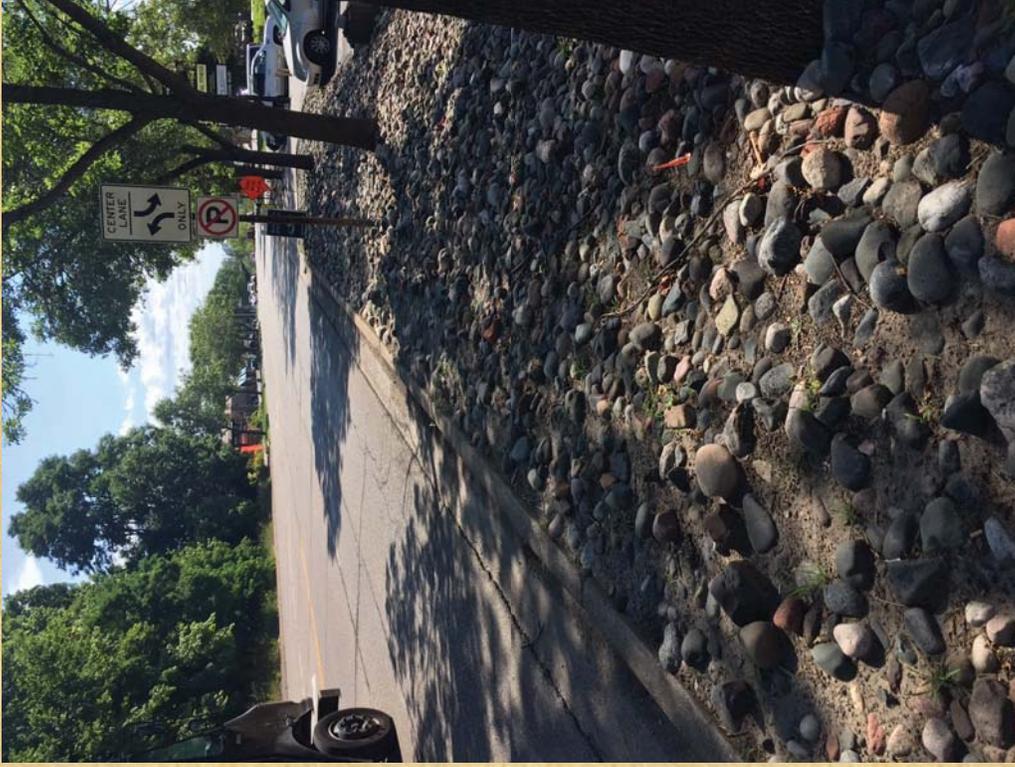
Wayzata Blvd sidewalk connections (cont.)

● = Photo location





David Lee Funeral Home Looking East



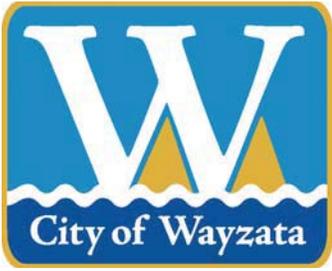
Wayzata Home Center Looking East



Birch Bend Lane Looking East



KFC/McDonalds Looking West



City of Wayzata Public Works
299 Wayzata Blvd. W
Wayzata, MN 55391

Director of Public Service
David Dudinsky

City Engineer/Asst. Public Works Director
Mike Kelly

Public Works Superintendent
Jim Eibensteiner

Public Works Secretary/Utility Billing Clerk
Rebecca Jones

To: City Council
From: Public Works Department
Date: July 26, 2016
Re: Wayzata Blvd – Median planting replacement

At the June 7, 2016 City Council meeting, the Council requested an update on the status of the median plantings on Wayzata Blvd, between Minnetonka Avenue and Superior Blvd.

In 2015, many of the plant materials in the median were removed or relocated, due to the fact that they had matured to the point that they were impeding sightlines from adjacent intersections (Karl Foerster Grass and Serviceberry). Additionally, some of the plant materials at the ends of the medians are simply not doing well (Black-Eyed Susans).

The City Parks Department has drafted a replacement planting plan for these areas with materials that are mostly in the 12-24 inch maximum growing height range. These replacement materials offer a range of seasonal colors and are reasonably salt tolerant.

The estimated cost of these plant materials is \$2,200. These plants would be installed by the Parks Department. Plants have been purchased and will be installed as soon as possible.

A copy of the replacement landscaping plan is attached for your review.

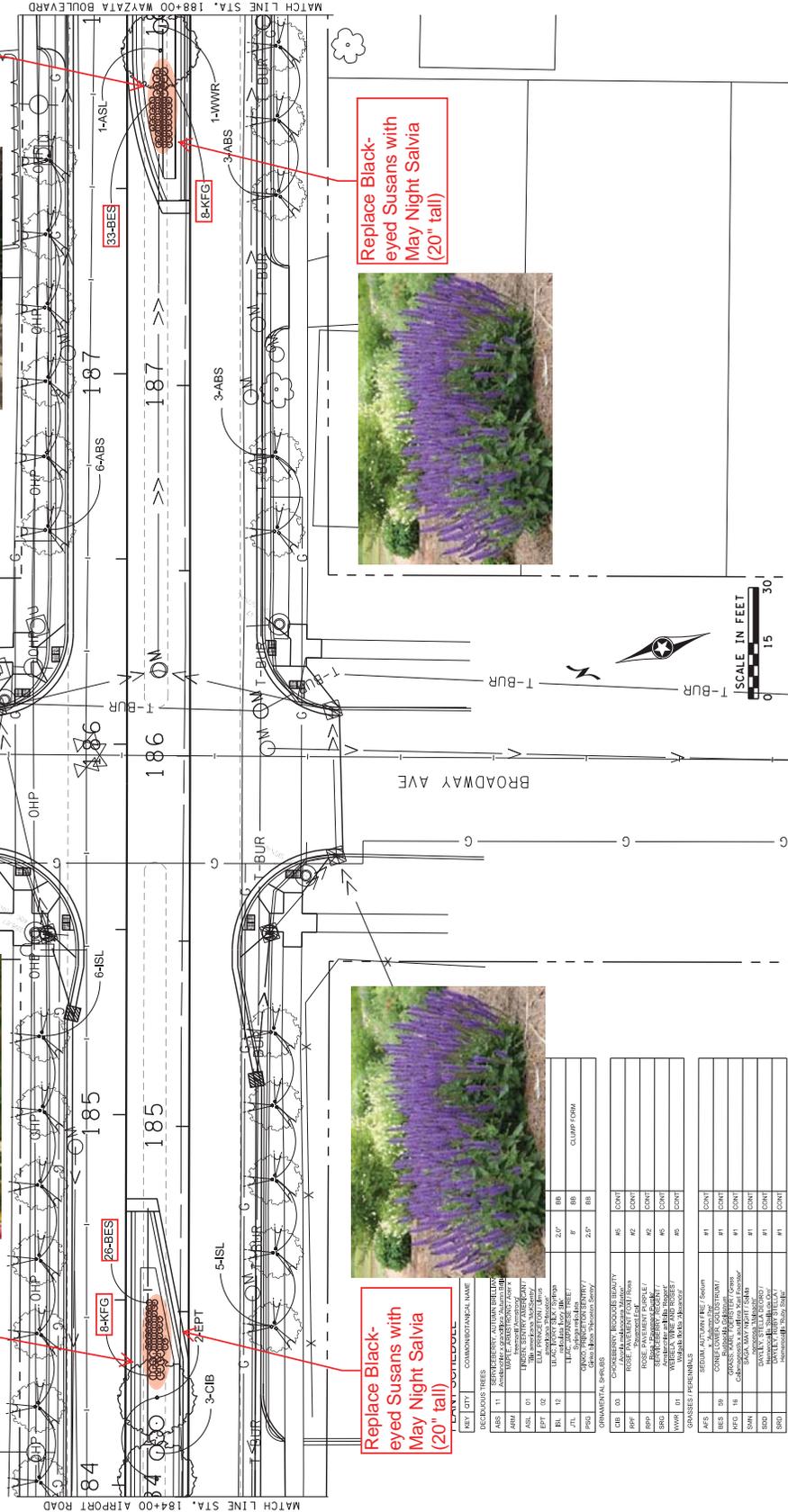
WAYZATA BOULEVARD



Replace Karl Foerster Grasses with Red Chiffon Coreopsis (18" tall)



Replace Karl Foerster Grasses with Powwow White Echinacea (22" tall)



Replace Black-eyed Susans with May Night Salvia (20" tall)

Replace Black-eyed Susans with May Night Salvia (20" tall)

KEY	SYMBOL	COMMON/FUNCTIONAL NAME	PLANT CODE
DECIDUOUS TREES			
ABS 11		AMERICAN BASSWOOD	11
ABS 12		AMERICAN Sycamore	12
ABS 13		RED BARKED PINE	13
ABS 14		WHITE BARKED PINE	14
ABS 15		RED BARKED PINE	15
ABS 16		WHITE BARKED PINE	16
ABS 17		RED BARKED PINE	17
ABS 18		WHITE BARKED PINE	18
ABS 19		RED BARKED PINE	19
ABS 20		WHITE BARKED PINE	20
ABS 21		RED BARKED PINE	21
ABS 22		WHITE BARKED PINE	22
ABS 23		RED BARKED PINE	23
ABS 24		WHITE BARKED PINE	24
ABS 25		RED BARKED PINE	25
ABS 26		WHITE BARKED PINE	26
ABS 27		RED BARKED PINE	27
ABS 28		WHITE BARKED PINE	28
ABS 29		RED BARKED PINE	29
ABS 30		WHITE BARKED PINE	30
ABS 31		RED BARKED PINE	31
ABS 32		WHITE BARKED PINE	32
ABS 33		RED BARKED PINE	33
ABS 34		WHITE BARKED PINE	34
ABS 35		RED BARKED PINE	35
ABS 36		WHITE BARKED PINE	36
ABS 37		RED BARKED PINE	37
ABS 38		WHITE BARKED PINE	38
ABS 39		RED BARKED PINE	39
ABS 40		WHITE BARKED PINE	40
ABS 41		RED BARKED PINE	41
ABS 42		WHITE BARKED PINE	42
ABS 43		RED BARKED PINE	43
ABS 44		WHITE BARKED PINE	44
ABS 45		RED BARKED PINE	45
ABS 46		WHITE BARKED PINE	46
ABS 47		RED BARKED PINE	47
ABS 48		WHITE BARKED PINE	48
ABS 49		RED BARKED PINE	49
ABS 50		WHITE BARKED PINE	50
ABS 51		RED BARKED PINE	51
ABS 52		WHITE BARKED PINE	52
ABS 53		RED BARKED PINE	53
ABS 54		WHITE BARKED PINE	54
ABS 55		RED BARKED PINE	55
ABS 56		WHITE BARKED PINE	56
ABS 57		RED BARKED PINE	57
ABS 58		WHITE BARKED PINE	58
ABS 59		RED BARKED PINE	59
ABS 60		WHITE BARKED PINE	60
ABS 61		RED BARKED PINE	61
ABS 62		WHITE BARKED PINE	62
ABS 63		RED BARKED PINE	63
ABS 64		WHITE BARKED PINE	64
ABS 65		RED BARKED PINE	65
ABS 66		WHITE BARKED PINE	66
ABS 67		RED BARKED PINE	67
ABS 68		WHITE BARKED PINE	68
ABS 69		RED BARKED PINE	69
ABS 70		WHITE BARKED PINE	70
ABS 71		RED BARKED PINE	71
ABS 72		WHITE BARKED PINE	72
ABS 73		RED BARKED PINE	73
ABS 74		WHITE BARKED PINE	74
ABS 75		RED BARKED PINE	75
ABS 76		WHITE BARKED PINE	76
ABS 77		RED BARKED PINE	77
ABS 78		WHITE BARKED PINE	78
ABS 79		RED BARKED PINE	79
ABS 80		WHITE BARKED PINE	80
ABS 81		RED BARKED PINE	81
ABS 82		WHITE BARKED PINE	82
ABS 83		RED BARKED PINE	83
ABS 84		WHITE BARKED PINE	84
ABS 85		RED BARKED PINE	85
ABS 86		WHITE BARKED PINE	86
ABS 87		RED BARKED PINE	87
ABS 88		WHITE BARKED PINE	88
ABS 89		RED BARKED PINE	89
ABS 90		WHITE BARKED PINE	90
ABS 91		RED BARKED PINE	91
ABS 92		WHITE BARKED PINE	92
ABS 93		RED BARKED PINE	93
ABS 94		WHITE BARKED PINE	94
ABS 95		RED BARKED PINE	95
ABS 96		WHITE BARKED PINE	96
ABS 97		RED BARKED PINE	97
ABS 98		WHITE BARKED PINE	98
ABS 99		RED BARKED PINE	99
ABS 100		WHITE BARKED PINE	100

DATE: 08-03-2016 10:58 AM

NO. 135 OF 188

DATE: 08-03-2016 10:58 AM

DESIGN BY: T VOILL

FILED BY: M MOLLITOR

CHECKED BY: J WEDDEL

APPROVED BY: T VOILL

DATE: 08-03-2016 10:58 AM

PROJECT NO. 1204-31

WAYZATA BOULEVARD RECONSTRUCTION for the City of Wayzata, Minnesota

70 Kenia Avenue South, Suite 300
 Minneapolis, MN 55416
 www.wsbeng.com

70 Kenia Avenue South, Suite 300
 Minneapolis, MN 55416
 www.wsbeng.com

RECONSTRUCTION ENGINEERING ARCHITECTURE

WAYZATA BOULEVARD RECONSTRUCTION LANDSCAPE PLAN CITY PROJ. NO. STR-2012-001

SHEET 65 OF 82 SHEETS

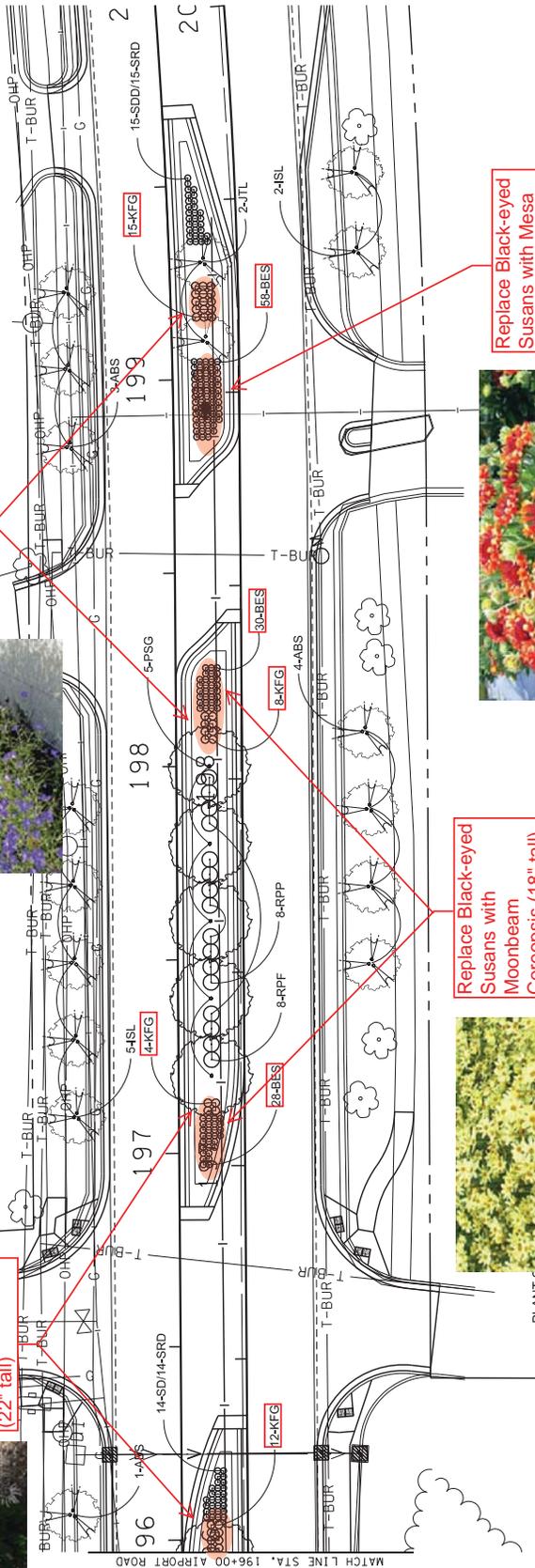
WAYZATA BOULEVARD



Replace Karl Foerster Grasses with Powwow White Echinacea (22" tall)



Replace Karl Foerster Grasses with Brookside Geranium (24" tall)



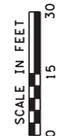
Replace Black-eyed Susans with Moonbeam Coreopsis (18" tall)



Replace Black-eyed Susans with Mesa Fanfare Blaze Gaillardia (18" tall)

PLANT SCHEDULE

REF.	QTY	DESCRIPTION	UNIT
12-KFG	1	12" KARL FOERSTER GRASS	PLANT
14-SD/14-SRD	1	14" SOD/14" SOD	PLANT
4-KFG	1	4" KARL FOERSTER GRASS	PLANT
8-RPF	1	8" RAIN PINK FLOX	PLANT
8-RPP	1	8" RAIN PINK PINK	PLANT
8-KFG	1	8" KARL FOERSTER GRASS	PLANT
30-BES	1	30" BLACK-EYED SUSAN	PLANT
54-SL	1	54" SLOTTED SAND	PLANT
5-PSG	1	5" PINK SWEET GUM	PLANT
15-SDD/15-SRD	1	15" SOD/15" SOD	PLANT
58-BES	1	58" BLACK-EYED SUSAN	PLANT
2-JTL	1	2" JET SET	PLANT
2-ISL	1	2" ISLAND	PLANT



NO. DATE REV. CUR. REVISIONS

DESIGN BY: T. VOILL

PROJECT: WAYZATA BOULEVARD RECONSTRUCTION

CHECKED BY: J. WEDDEL

APPROVED BY: T. VOILL

DATE: 08/03/2010

PROJECT NO.: 1204-31

STA: 196+00 TO STA 200+00

LANDSCAPE PLAN

CITY PROJ. NO.: STR-2012-001

WAYZATA BOULEVARD RECONSTRUCTION for the City of Wayzata, Minnesota

70 Kent Avenue South, Suite 300
Minneapolis, MN 55416
www.wabeng.com

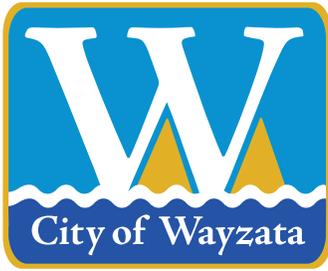
70 Kent Avenue South, Suite 300
Minneapolis, MN 55416
www.wabeng.com

WABENG ENGINEERING ARCHITECTURE

RECONSTRUCTION ENGINEERING ARCHITECTURE

138 of 166

08-03-20 10:00



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

DATE: July 29, 2016

TO: Mayor Willcox and Councilmembers

FROM: Jeffrey Dahl, City Manager

SUBJECT: Accept Dr. David McGill's Resignation from the HRA and Charter Commission

Update

In July, the City received resignation letters from Dr. McGill from his positions on both the Charter Commission and the HRA. His resignation comes as a result of his pending move to the City of Plymouth. At its July 19th Meeting, the City Council tabled action on accepting the resignations given his accomplished record with the City with the hopes there would be an opportunity to continue to serve if: Dr. McGill is willing; and the bylaws allow for a non-resident to serve.

Unlike other commissions of the City, the bylaws of both the HRA and Charter Commission clearly indicate that all members must be residents of the City. As of August, Dr. McGill will no longer be a resident of Wayzata.

Because the City Council tabled this item, the City is able to offer Dr. McGill a more appropriate recognition of service to the community. The tabling also it allows him to participate in one final HRA meeting.

Recommendation

Staff recommends accepting the letters of resignation from Dr. David McGill. Staff is preparing a proclamation and award for service that would be presented at the next Council Meeting.

City Council Action Requested

Motion to accept the attached letters of resignation.

J. David McGill D.D.S.
355 Lake Street West
Wayzata, Minnesota 55391
13 July 2016

Dear Mayor Willcox, Chairman Shaver, and City Manager Dahl,

Due to my pending change of residence to outside of Wayzata I must submit my resignation from the Wayzata Housing and Redevelopment Authority effective July 15, 2016.

It has been a privilege serving on the Wayzata Housing and Redevelopment Authority in and for the greatest city in the country.

Respectfully submitted,

A handwritten signature in cursive script that reads "J. David McGill".

J. David McGill D.D.S.

Cc. Housing and Redevelopment Authority Members
Wayzata City Council

J. David McGill D.D.S.
355 Lake Street West
Wayzata, Minnesota 55391
13 July 2016

Dear Vice-Chair Botham, Secretary Fadden and Deputy City Clerk Malone,

Due to my pending change of residence to outside of Wayzata I must submit my resignation from the Wayzata Charter Commission effective July 15, 2016.

Vice-Chairman Botham will be the Commission Acting-Chair until a successor chair is elected by the Commission.

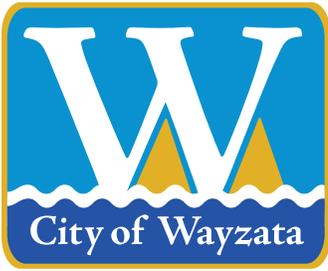
It has been a privilege serving on the Wayzata Charter Commission with you and the other conscientious commissioners.

Respectfully submitted,



J. David McGill D.D.S.

Cc. Charter Commission Members
Mayor Willcox
City Manager Dahl



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: July 28, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Amendment to the Approved Plans for the MacMillan Place Subdivision at 143 and 151 Westwood Lane

On April 7, 2015, the City Council approved the MacMillan Place subdivision at 143 and 151 Westwood Lane, which created two single-family residential lots. The resolution approving the subdivision (Resolution No. 17-2015) included the plans for the subdivision as an attachment to the resolution. The plans included widening the existing driveway to 20 feet that would be shared between the two lots.

The final plat has been filed at Hennepin County and the property owner has a purchase agreement to sell the southern lot (Lot 2) to a buyer that is interested in constructing a home on the lot. The buyer of the lot is requesting the sole use of the existing driveway on Lot 2. Therefore, the applicant, Scott Roe, is requesting an amendment to the approved plans to allow for separate driveways to serve the two lots. The location of the new driveway would not impact any of the trees on the property. A portion of the existing arborvitae hedge within the City's right of way would need to be removed for the new curb cut to Westwood Lane.

Attached is a draft Resolution for the Council's consideration, which would amend the plans for the subdivision to reflect the change in driveway layout. All of the original conditions of approval in Resolution No. 17-2015 would continue to apply.

Jeff Thomson

From: Scott Roe <scottdroe@hotmail.com>
Sent: Monday, July 11, 2016 2:28 PM
To: Jeff Thomson
Subject: 151 Westwood Lane - Driveway Access to North Lot

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff -

I am under a Purchase Agreement to sell the south lot and part of the contingencies is the sole use of the driveway to their lot.

Therefore, I will be cutting in a driveway to the North lot. There is a logical lane that will mitigate tree loss.

The original - no variance application showed a new road with access to three lots. This was not approved. We had planned to dedicate the pan handle portion of the land to Wayzata.

With the two lot approval, it was always a concern about access to Westwood and the panhandle was retained as a part of each lot to allow individual access to Westwood Lane.

Please schedule some time with the City Council to discuss.

Thanks

Scott Roe
612-840-0809 c

CITY OF WAYZATA

DRAFT RESOLUTION NO. 30-2016

RESOLUTION AMENDING THE APPROVED PLANS FOR THE MACMILLAN PLACE SUBDIVISION AT 143 AND 151 WESTWOOD LANE

WHEREAS, on April 17, 2015, the City Council adopted Resolution No. 17-2015, which approved concurrent preliminary and final plat and subdivision variances (the “Subdivision”) at 143 and 151 Westwood Lane (the “Property”), and which is included as Exhibit A; and

WHEREAS, Resolution No. 17-2015 included Attachment A that depicts the approved plans for the Subdivision (the “Approved Plans”); and

WHEREAS, the property owner, White Birch Property/Development Group, (the “Property Owner”) has requested an amendment to the subdivision plans to include separate driveways to serve the two lots in the Subdivision rather than one shared driveway to serve both of the lots as depicted on Attachment A of Resolution No. 17-2015.

NOW, THEREFORE BE IT RESOLVED, that the Wayzata City Council amends Attachment A of Resolution No. 17-2015 to include the separate driveways for the two lots, as depicted on Exhibit B.

BE IT FURTHER RESOLVED, that each driveway must meet fire access requirements as determined by the Wayzata Fire Marshal.

BE IT FURTHER RESOLVED, that the Property is subject to all conditions of approval outlined in Resolution 17-2015.

Adopted by the Wayzata City Council this 3rd day of August, 2016.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:
Motion for adoption:

Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution Adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on August 3, 2016.

Becky Malone, Deputy City Clerk

SEAL

Exhibit A

City Council Resolution No. 17-2015

RESOLUTION NO. 17-2015

**RESOLUTION APPROVING CONCURRENT PRELIMINARY AND FINAL PLAT AND
SUBDIVISION VARIANCES AT 151 WESTWOOD LANE**

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

1.1 Project. White Birch Properties and Development Group (the "Applicant") has submitted a Development Application (the "Application") requesting concurrent preliminary and final plat subdivision approval (the "Subdivision" or the "Preliminary/Final Plat") for a two (2) lot subdivision (the "Project") at 151 Westwood Lane (the "Property") as depicted in Attachment A to this Resolution. Access to the Project would be through an existing private driveway that would be widened to a width of twenty (20) feet to meet State Fire Code requirements, and which would require approval of variances from the Subdivision Ordinance standards for streets and roadways.

1.2 Application Requests. As specified further in the Application, the Applicant is requesting approval of the following:

- A. Concurrent Preliminary and Final Plat for two (2) Lot Subdivision of the Property depicted in Attachment A.
- B. Variances from the following street and roadway standards of the Subdivision Ordinance (collectively, the "Variance"):
 - 1. Use of Private Roadways (Section 805.27.K)
 - 2. Lot Frontage on a Public Street (Section 805.26.E)
 - 3. Street Width Less Than Twenty-Six (26) feet (Section 805.29.A)
 - 4. Construction of Roadways Without Curbs and Gutters (Section 805.29.L)

1.3 Property. The property identification number and owner of the affected property (the "Property") are:

151 Westwood Lane	01-117-23-13-0011	White Birch Properties and Development Group
-------------------	-------------------	--

1.4 Land Use. The Property is zoned R-1 (40,000 SF minimum lot sizes) and guided One Acre Single Family in the Comprehensive Plan. Uses in the general vicinity are entirely single family residential, with the majority guided for larger sized lots. To the northeast, the properties are guided R-2 Medium Density Single Family Residential (15,000 SF minimum lot size).

1.5 Previous Subdivision Proposal

In 2014, the Applicant submitted a request for a three (3) lot subdivision with a new public road for the Property that was reviewed by the Planning Commission and later denied by the City Council in December of 2014. Among the reasons for denial were

that the division of the Property into three lots was out of scale and character of the existing neighborhood. The Applicant's new proposal in the Application is for a two (2) lot subdivision with lots over 90,000 SF.

- 1.6 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly* on February 24, 2015. A copy of the notice was mailed to all property owners located with 350 feet of the Property on February 26, 2015. The required public hearing was held at the March 16, 2015 Planning Commission meeting.
- 1.7 Planning Commission Action. The Planning Commission reviewed the Application and held a public hearing at their March 16, 2015 meeting. The Planning Commission voted four (4) in favor and zero (0) opposed to adopt findings and recommend approval of the Application with conditions to the City Council.

Section 2. STANDARDS

- 2.1 Preliminary and Final Plat Subdivision. Chapter 805 of the Wayzata City Code, (the "Subdivision Ordinance") sets forth the procedure and substantive review criteria for applications for a subdivision. Before any plat can be recorded or of any validity, it must be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the Subdivision Ordinance. Section 805.15 of the Wayzata Subdivision Ordinance allows the City to review a proposed preliminary and final plat simultaneously.
 - A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:
 1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan).
 2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
 3. Provide a balanced housing supply available for all people no matter their income, age, race or ethnicity (Comprehensive Plan).
 4. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
 5. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).

- B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:
1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.
 4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
 5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
 6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
 7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
 8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
 9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council

review process outline in Section 9 of the Wayzata Zoning Ordinance.

10. The proposed lot layout and building pads shall conform with all relevant performance standards.
 11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
 12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.
- C. Concurrent Preliminary/Final Plat. Section 805.15 of the Subdivision Ordinance allows the City to review the preliminary and final plat simultaneously.
- D. Parkland Dedication. Section 805.37 of the Subdivision Ordinance requires a parkland dedication contribution for new single family lots at the time of recording of the Final Plat.

2.2 Street and Roadway and Variance Standards of Subdivision Ordinance. The following uses and designs are standards in the Subdivision Ordinance:

- A. Use of Private Roadways (Section 805.27.k)
- B. Lot Frontage on a Public Street (Section 805.26.E)
- C. Street Width Less Than Twenty Six (26) feet (Section 805.29.a)
- D. Construction of Roadways Without Curbs and Gutters (Section 805.29.l)

Section 805.60 allows the City Council to approve variances from the minimum standards of the Subdivision Ordinance, when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:

- (1) That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.

- (2) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
- (3) That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
- (4) Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
- (5) That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Concurrent Preliminary and Final Plat and Variance depicted in the Application meets the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 Proposed Subdivision.

- A. Goals. The Proposed Subdivision is consistent with the goals of the Subdivision Ordinance.
- B. Criteria for Approval.
 1. The Project associated with the Proposed Subdivision is consistent with the Wayzata Comprehensive Plan. The proposed Subdivision conforms with the low density residential guidance of the Comprehensive Plan for this area and the One Acre Single Family District. The proposed lots are 90,970 SF (Lot 1) and 129,440 SF (Lot 2).
 2. The building pads associated with the Project ("Proposed Building Pads") would not negatively impact any sensitive areas, although, eight (8) trees would be impacted by the Project.
 3. The Proposed Building Pads have been selected and located with respect to natural topography to minimize filling or grading, and a condition of approval is that the City Engineer's approval must be secured for a grading plan, prior to any construction work so that land disruption is minimized.

4. Existing significant trees would be retained where possible on the Property, with the exception of eight (8) trees for the placement of the Proposed Building Pads.
5. The creation of the proposed lots in the Proposed Subdivision would not adversely impact the scale, pattern or character of the City, its neighborhoods, as the lots would be consistent with the larger lots in the surrounding area in terms of lot area.
6. The design of the lots, the proposed building pads, and the site layout of the Proposed Subdivision responds to and is reflective of the surrounding lots and neighborhood character. The proposed lot layout provides for two larger sized lots that exceed the lot area minimum for the district.
7. The lot sizes that result from the Proposed Subdivision would not be dissimilar from adjacent lots or lots found in the surrounding neighborhood. The proposed lots conform with and exceed the R-1 District and Comprehensive Plan minimums for lot area.
8. The Applicant does not have building elevations available for the proposed two lots at this time. Consequently, a condition of approval of the Application should be that the Applicant and/or future homeowner must submit building plans for review by the Planning Commission and the City Council depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.e.8, and obtain approval of those plans prior to the issuance of any building permits for the Property.
9. The proposed lot layout and Proposed Building Pads of the Proposed Subdivision would conform will all relevant performance standards, with the exception of the use of the existing driveway as access into the Property, which would require approval of a Variance from the Subdivision Ordinance. The proposal to utilize the existing driveway is in an effort to reduce hardcover on the site and mitigate vehicle headlight to adjacent properties.
10. The Proposed Subdivision is not likely to tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
11. The Proposed Subdivision would be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

- C. Parkland Dedication. A parkland dedication fee in lieu of land under Section 805.37 of the Subdivision Ordinance for the new single family lot must be made at the time of recording of the Final Plat.

3.2 Variance from Subdivision Ordinance.

- A. The existing layout of the Property, with its long and narrow access to Westwood Lane is a unique condition affecting the Property, such that the strict application of the provisions of this Chapter would deprive the Applicant of the reasonable use of the Property. Furthermore, a strict application of the provisions of this Chapter, requiring a wider public roadway, would negatively impact adjacent properties, add additional impervious surface, would not be in keeping with the character of the neighborhood, and would result in the loss of a significant number of trees.
- B. The granting of the Variance will not be detrimental to the public health, safety, and welfare, or injurious to other property in the territory in which the property is situated.
- C. The Variance is to correct inequities resulting from the hardship of the existing access situation for the Property on Westwood Lane. Furthermore, granting the Variance to allow a narrower, private road, in its existing location would result in a reduced number of significant trees removed from the Property.
- D. The hardships relating to the request for the Variance are not economic in nature. The Variance request is in response to feedback provided by the neighborhood and the City Council during review of a previous application for subdivision of the Property.
- E. The hardships relating to the request for the Variance is not a result of an action or actions by the owner, Applicant, developer, or any agent thereof.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings of this Resolution, the request for approval of the Concurrent Preliminary and Final Plat Subdivision and Variance as set forth in the Application (Attachment A), is hereby **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of this approval):

- A. The Applicant follow the advice of the State Archaeologist outlined in his October 15, 2014 letter to the City Planner (Attachment B), and hire a qualified archaeologist to make a detailed survey of the Property to insure there are no remaining MS 307.08 issues; or, alternatively, a qualified archaeologist be present on the Property during the duration of excavation

and any other activity on the Property that may reveal or impact a potential human burial site on the Property. Should such archaeologist determine that a potential human burial site is found, the Applicant shall follow the direction and recommendations of such archaeologist handling such sites and the remains associated therewith.

- B. The Applicant and/or future homeowners shall submit final building plans for each residence in the Proposed Subdivision for review and approval by the Planning Commission and City Council that are compatible with the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.E.8, and obtain approval of such plans prior to the issuance of any building permit for the Proposed Subdivision.
- C. The City Engineer's approval must be secured for a grading plan, prior to any construction work on the Property so that land disruption is minimized.
- D. The following comments of City Staff outlined in the Planning Report on the Application dated March 2, 2015 and referenced on March 16, 2015 shall be incorporated into the Proposed Subdivision as specified in such comments and further directed by such staff:
 - 1. City files indicate that there may be a well on the site. The well should be verified and dealt with appropriately.
 - 2. The Property has an existing water connection that will need to be abandoned at the main. The existing service feeds through a meter adjacent to the driveway. This should be removed and pipes abandoned appropriately.
 - 3. The City Utility Department is verifying the location of the existing sewer service. This service should be abandoned at the property line.
 - 4. Installation of one fire hydrant on the Property if required by the Wayzata Fire Marshal.
- E. Prior to any demolition of the existing residence on the Property, the Applicant shall contact the City's Heritage Preservation Board (HPB), and allow them access into the residence to document the interior and exterior.
- F. The Applicant shall secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
- G. All expenses of the City of Wayzata, including consultant, expert, legal, Park Dedication Fee, and planning fees incurred be fully reimbursed by the Applicant.
- H. The Applicant must pay the required Park Dedication Fee for the new single family lot at the time of recording of the Final Plat, as required under Section 805.37.

- I. The Applicant must record the Final Plat document with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7, and provide a recorded copy to the City.

Adopted by the Wayzata City Council this 7th day of April, 2015.



 Mayor Ken Willcox

ATTEST:



 City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: Anderson

Voted in favor of: Anderson, McCarthy, Mullin, Tyacke, Willcox

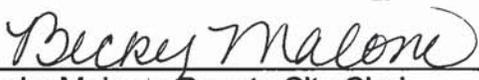
Voted against: None

Abstained: None

Absent: None

Resolution adopted.

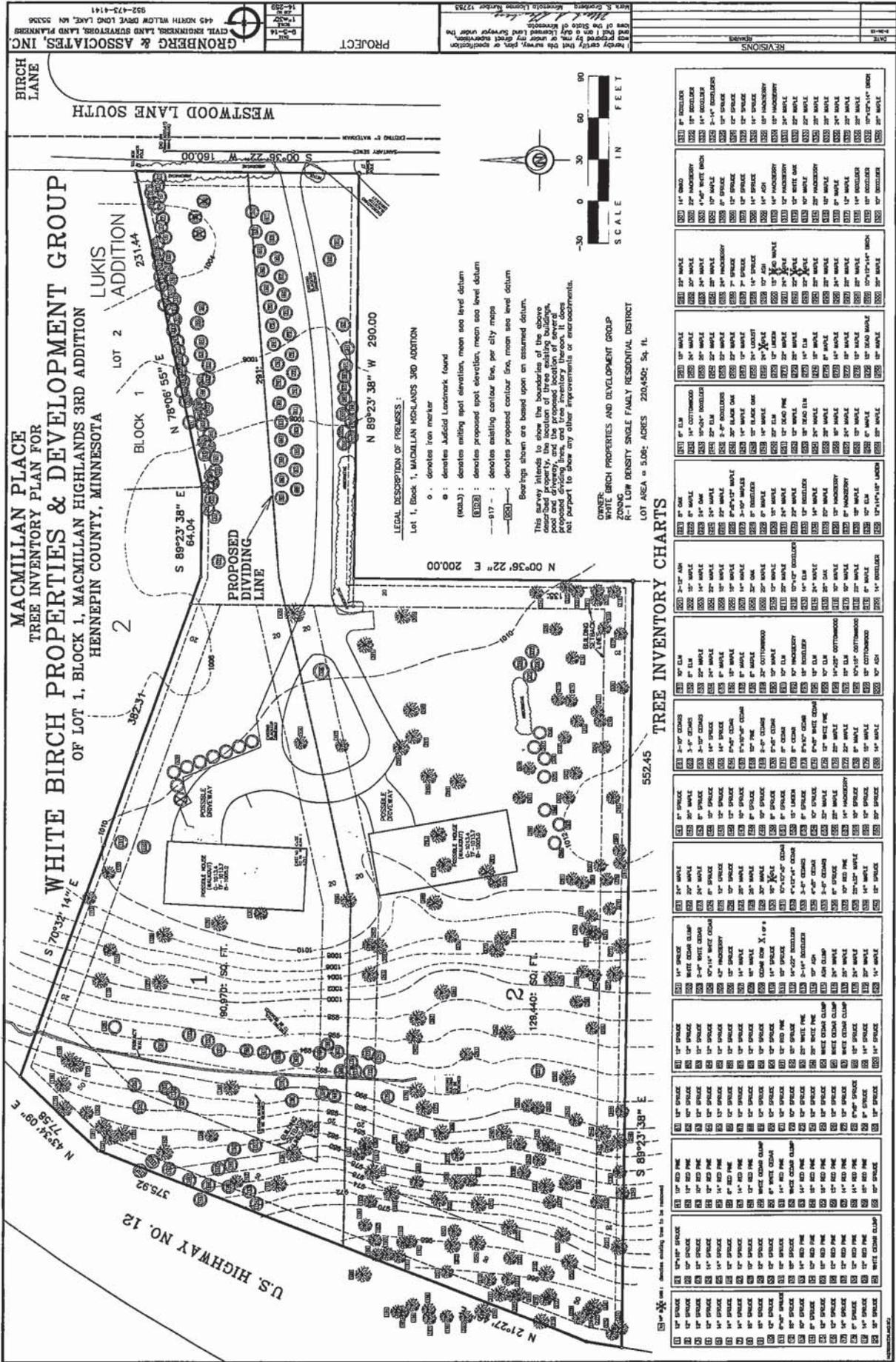
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on April 7, 2015.



 Becky Malone, Deputy City Clerk
 SEAL

Attachment A

Applicant Submittals



Attachment B

October 15, 2014 Letter from the State Archeologist

Attachment B

October 15, 2014

Bryan Gadow, City Planner
City of Wayzata
600 Rice Street East
Wayzata, MN 55391-1799



Bryan:

This letter is in response to your request for an official determination by the State Archaeologist as to the probability of human burials existing on the MacMillan Property at 151 Westwood Lane in Wayzata per Minnesota Statutes 307.08. As you know, in 1964 construction excavation for an addition to the MacMillan house encountered human remains. The University of Minnesota excavated what appeared to be a shallow pit burial that had been previously disturbed by various construction activities. The pit contained the remains of 17 individuals that were probably buried about 1,000 years ago based on a stone projectile point found with the burials. In 1964, the pit was completely excavated, the bones removed, and the addition to the house completed. The landowner told a newspaper reporter that a mound had once existed at that location and it was flattened for the yard at the time the original house was built. There was no mention by the landowner or the University investigators of any adjacent mounds. The burial pit location was assigned the official state archaeological site number of 21HE98.

During the 1880s, an extensive burial mound survey of the Lake Minnetonka area was done by a surveyor named Theodore Lewis. Lewis recorded hundreds of mounds around the lake, but he did not record any mounds at or near the MacMillan House location. It is likely that Lewis recorded almost all the groups of mounds in the Lake Minnetonka vicinity, but he probably missed scattered lone mounds. Most mounds, especially groups of mounds, tend to be on hills or terraces overlooking the lake. The MacMillan location is about a half-mile from the lake overlooking a small wetland.

I recently visited the property and did not observe any obvious mounds. I have also used LiDAR to topographically examine the area and see no features that appear to be burial mounds. LiDAR and aerial photographs indicate the western and northern portions of the property have been extensively landscaped. It would appear that the MacMillan burial was originally covered with a mound. If there were additional burial pits under this mound, they would most likely have been destroyed by the house construction, the grading for the yard, the 1964 addition, or subsequent improvements.

Based on my analysis, I cannot authenticate the MacMillan property at this time as a burial site under MS 307.08, as the known burial feature was completely removed and no other mounds have been reported or are currently visually evident. I do think it advisable, however, for the landowner or developer to hire a qualified archaeologist to make a detailed survey of the property to insure there are no remaining MS 307.08 issues, although the chances of finding another isolated burial pit are very low using standard archaeological survey methods.

Attachment B

Because this is a private development on private property, I cannot require an archaeological survey to look for other types of archaeological remains under MS 138.31-.42 (Field Archaeology Act), but I still recommend that a qualified archaeologist examine the property to look for such sites prior to any significant disturbance of the present land surface. If any non-burial archaeological sites are discovered (e.g., prehistoric camp site), it is fully up to the city or the developer to undertake additional archaeological work. You can obtain a list of qualified archaeologists on the Minnesota State Historic Preservation Office website (<http://preservationdirectory.mnhs.org/>).

Whether or not any archaeological survey is done prior to development, it is certainly prudent for the City to require that any areas of significant grading or excavation be monitored by a qualified archaeologist in case any human remains are encountered. If any human remains are uncovered at any time during development, all work at the location must cease and I must be notified.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Anfinson', with a long horizontal line extending to the right.

Scott Anfinson
State Archaeologist

Cc: Jim Jones, Minnesota Indian Affairs Council

Woodland, based largely on burial form, since he found no pottery in his excavations. The 1995 excavations recovered a single pottery sherd from feature 1 and obtained two radiocarbon dates from feature 8. The dates span a range from 770 B.C. to A.D. 5 but overlap at 185 to 190 B.C. (calibrated at 2 standard deviations: 190 B.C.–A.D. 5 and 770–185 B.C.) suggesting a Middle Woodland age. Feature 9 had a point similar to a Durst Stemmed and two radiocarbon dates that span a range from 2915 to 2580 B.C. (calibrated at 2 standard deviations: 2890–2580 B.C. and 2915–2855 B.C. or 2820–2665 B.C.), suggesting a Late Archaic burial.

21HE0093 COX

Four mounds and a possible remnant of a fifth; the OSA database lists four. OSA records show an excavation unit for mound 2 and identify the mound as excavated, but contain no information on the profile.

21HE0094 BIG ISLAND MOUND—GROUP NO. 6

Site files indicate a midden and a single mound; no excavation information found.

21HE0098 McMILLAN

This site is on a gently sloping ridge near Lake Minnetonka. In the early 1960s, Kent Day excavated a subsoil pit with human remains exposed during excavation of house footings (Figure D-92). Day noted that the pit's outline and surface origin were obscured by previous grading and disturbance for fence posts, plantings, and an underground fuel tank. Scherer cites a newspaper article in the U of M files as saying that former landowners had mentioned leveling a mound in their lawn, suggesting that a mound had once covered the feature.

Day interpreted the human remains as those of five adults and two children, but more detailed osteological analysis revealed that at least 17 individuals were present. 13 of them under the age of 18. The remains of the adults were generally complete but might have been disarticulated; the juveniles might have been secondary burials based on their more fragmentary remains. Scherer's report (1998a:14) describes the feature as representing "a single burial event associated with what was possibly the traumatic death of these 17 individuals. The presence of only a single large burial feature, an overwhelming number of subadult individuals, cutmarks attributed to scalping, and the general picture of a skeletal population in otherwise good health are all evidence that supports this hypothesis."

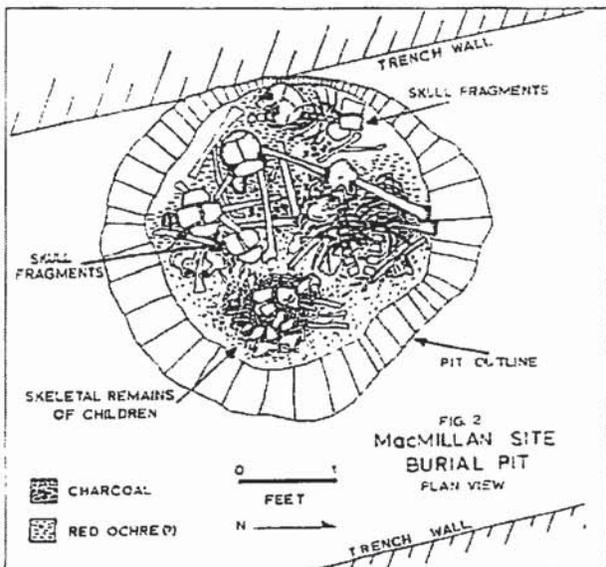


Figure D-92. Burial feature excavated by Kent Day in the early 1960s at the McMILLAN site, 21HE0098 (Day 1964, Figure 2)

Scherer also notes that Day had found a vertebra with an embedded projectile point, both of which were lost some years prior to the skeletal inventory.

Principal sources: Excavation: Day 1964; Johnson 1965. Osteology: Blue 1997ah; Sherer 1998a; Hamline files.

Archaeological identification/cultural affiliation: Day tentatively identified the site as an aberrant component of the Kathio phase, based on geographic location ("within the area where Mille Lacs Aspect sites are most common") and the presence of a triangular point, but the NAGPRA database and published NAGPRA inventory (National Park Service 1999) list the remains simply as Woodland, culturally unidentifiable.

21HE0100 LONG LAKE/UNION CEMETERY/TEPEE HILL

Landon and Flakerd (1945) illustrated materials found at the "Long Lake site" but did not clearly identify the location. In 1966, that site was assigned a number with township and range information but no section number. Eventually the site was linked to the Union Cemetery, although the available records do not indicate how. The artifacts collected in the 1940s apparently came from a cultivated field, but the cemetery has been in use since 1864, so it is unlikely that they were collected at the cemetery.

A different collection of human remains is recorded in the NAGPRA inventory under the Union Cemetery site name, although not identified by site number. A Hamline inventory (Blue 1997ai) lists remains from at least two adults, with no information on context or origin. The published NAGPRA inventory (National Park Service 1999) notes, "In 1985, human remains representing three individuals were recovered from Long Lake (Union) Cemetery, Hennepin County, MN. These human remains were recovered by representatives of the Minnesota Indian Affairs Council from two spoil piles where recent graves had been dug. No known individuals were identified. No associated funerary objects were present." The inventory lists the remains as of unknown archaeological association. Thurston (1985a) also reports on these remains.

21HE0103 (UNNAMED)

One mound. OSA/SHPO files note that shovel testing was conducted during development-related surveying of an adjacent parcel; the shovel tests were at least 100 feet from the mound and were negative.

21HE0104 (UNNAMED)

One mound; no excavation information found.

21HE0149 (UNNAMED)

In 1991, a burial was discovered in a Phase I shovel test. In 1992, Leech Lake Heritage Sites Program personnel conducted follow-up fieldwork. G. Goltz conducted coring of the vicinity and reported seeing soil changes "that could not be identified with certainty as mound fill." Goltz did, however, observe a slight rise in this area on the top of the hill. He interpreted the burial as placed "in a shallow subsurface grave and covered with a low, broad mound of earth which encompassed the highest part of the hill." Coring on nearby hills was judged inconclusive as to whether other mounds were present. No information on burial form was found during this project; OSA records indicate that the remains were reburied. The published NAGPRA inventory (National Park Service 1999) lists the remains as of unknown cultural affiliation. The OSA database currently lists this site as a cemetery site with no confirmed earthworks.

Principal sources: Discovery and excavation: Goltz 1992; Thompson 1992; Hamline files (H197 case file); OSA correspondence.

21HE0154 BASS POND ACCESS

A reburial progress report (MNARP, May 15, 1995) includes brief information on Hamline case number H292 regarding "the disturbance of human remains in the Bass Pond Access area of the

Exhibit B

Separate Driveway Plan

